



## Mexico

### Country Reports on Human Rights Practices - [2000](#)

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Mexico is a federal republic composed of 31 states and a federal district, with an elected president and a bicameral legislature. On July 2, voters elected Vicente Fox Quesada of the opposition Alliance for Change Coalition president in elections that domestic and international observers judged to be generally free and fair, and which ended the Institutional Revolutionary Party's (PRI) 71-year hold on the presidency. Observers described the election as a historic turning point of the most profound significance and made recommendations for further electoral reform. Fox began his 6-year term on December 1, replacing Ernesto Zedillo. Sporadic outbursts of politically motivated violence continued to occur in the southern states of Chiapas, Guerrero, and Oaxaca. The peace process in Chiapas between the Government and the Zapatista National Liberation Army (EZLN) remained stalled throughout most of the year; however, some progress was made in December after President Fox ordered the dismantling of military checkpoints, submitted to Congress a bill to implement the peace accords, and closed two contentious military posts in Chiapas. In addition, during December the state government released 16 EZLN prisoners and the EZLN, through its spokesman, set 3 conditions for the resumption of dialog. The judiciary is generally independent; however, it occasionally has been influenced by the executive branch. In addition, judicial effectiveness is hampered by inefficiency, a high caseload, and limited resources at almost all levels.

The police forces, which include federal and state judicial police, the Federal Preventive Police (PFP), municipal police, and the various police auxiliary forces, have primary responsibility for internal security. However, the military plays a large role in some law enforcement functions, primarily counternarcotics, and also exercises internal security responsibilities. Elected civilian officials control the police and the military; however, corruption is widespread within police ranks and also is a problem for the military. The military maintains a strong presence in the state of Chiapas and a lesser, but still significant, deployment in Guerrero. Military personnel and police officers continued to commit serious human rights abuses.

The Government continued to deregulate and open the market-based, mixed economy. The gross domestic product (GDP) in 1999 was \$484 billion and the inflation rate was 12.3 percent. Per capita GDP in 1999 was about \$4,974. The economy still is recovering from the 1994 economic crisis, and real wages are less than before the crisis. Leading exports include petroleum, automobiles, and manufactured and assembled products, including electronics and consumer goods. One-fourth of the population resides in rural areas where subsistence agriculture is common. Income distribution remained skewed; the top 30 percent of the population received about 67 percent of total income, while the bottom 30 percent earned less than 7.4 percent.

The Government generally respected many of the human rights of its citizens; however, serious problems remain in several areas and in some states where a poor climate of respect for human rights presents special concern. Federal and state law enforcement officials were accused of committing political and extrajudicial killings. There continued to be credible reports of disappearances. The police regularly obtain information through torture, prosecutors use this evidence in courts, and the courts continue to admit as evidence confessions extracted under torture. The military also has been accused of using torture. Widespread police corruption and alleged police involvement in narcotics-related crime continued. Prison conditions are poor. The police continued to arrest and detain citizens arbitrarily. Lengthy pretrial detention, lack of due process, and judicial inefficiency and corruption persisted. Threats and attacks on journalists—some reportedly by federal, state, or local authorities—hindered press freedom, and there were reports of some self-censorship. Drug-related killings and violence, particularly in the northern states, continued. Violence and discrimination against women, indigenous people, religious minorities, and homosexuals persisted. Child prostitution and abuse continued. There were credible reports of limits on freedom of association and worker rights. Extensive child labor in agriculture and the informal economy and trafficking in persons are problems. There were increased reports of vigilante killings.

The Government's efforts to improve the human rights situation continued to meet with limited success. Although the Government has sanctioned some public officials, police officers, and members of the military, widespread impunity continues to be a serious problem among the security forces. The Zedillo Government continued to support the National Human Rights Commission (CNDH), and in April 1999, Congress amended the Constitution to grant it greater autonomy from the executive branch. However, the CNDH primarily investigates complaints against federal authorities and has no enforcement powers.

Armed civilian groups operating in the state of Chiapas committed human rights abuses. There continued to be a high incidence of narcotics-related violence, particularly in the northern states, and human rights abuses, allegedly with the assistance of members of the security forces. Guerrilla attacks against government property and personnel continued, but at a lesser rate and intensity relative to previous years.

On December 2, the day after his inauguration, President Fox and U.N. High Commissioner for Human Rights (UNCHR) Mary Robinson signed an agreement on technical assistance in human rights matters. Commissioner Robinson also announced the establishment of a human rights U.N. liaison office to work with human rights organizations to help implement the technical assistance program. Robinson stated that the accord was especially significant because the President himself had signed it on his second day in office in the state of Oaxaca, where there are notable human rights problems.

Shortly before assuming office, President Fox announced the appointment of Mariclaire Acosta, former president of the Mexican Commission for the Defense and Promotion of Human Rights, to the new position of Special Ambassador for Human Rights. Her mission is to ensure that the Government complies with its human rights commitments, and that it distributes its human rights resources effectively.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

Federal and state law enforcement officials were accused of committing political and extrajudicial killings. In past years, the military also was accused of such killings; however, there were no reports implicating the military during the year.

There were some apparently politically motivated killings by security force officials. On June 15, Artemio Arturo Perez, a Democratic Revolutionary Party (PRD) supporter arrested for causing a public disturbance during a PRI political rally in Mixistlan de La Reforma, Oaxaca, died in his jail cell. Perez and his family claimed that PRI party members forced persons to attend the rally, and that Perez was arrested for voicing his disapproval. The prison authorities declared suicide to be the official cause of death, but Perez's family and various human rights organizations claim that he died as a result of torture (see Section 1.c.). On June 21, two family members began a hunger strike to demand action against prison employees Alfredo Reyes, Wilfrido Hernandez Solano, and Luis Faustino Gonzalez for abuse of authority, illegal detention, and torture. The case is under investigation by the Oaxaca state attorney general's office and the state's Human Rights Commission.

In March the president of the Jalisco Human Rights Commission cited several cases of possible police involvement in the deaths of prisoners (see Section 1.c.).

The Durango state Human Rights Commission is investigating the presumed suicide of Jose Manuel Urbina, who was found drowned in a state security facility in June. National Action Party (PAN) deputy Victor Hugo Castaneda Soto questioned the manner in which Urbina was arrested and noted that his body was found in a crouched position, a difficult position to maintain by someone attempting to drown himself.

On July 19, five men with known drug connections were found hanged near El Quelite, Sinaloa. On July 16, according to witnesses, armed men in Federal Judicial Police uniforms kidnaped the five--Fausto Andres Arellano Vidales, Anacleto Valle Garcia, Gaston Horacio Lopez Amarillas, Guillermo Gurrola Gutierrez, and Carlos Lopez Torres--from a store in Mazatlan, Sinaloa. State authorities were investigating the case, including a drug trafficking connection, at year's end.

There were numerous reports of executions carried out by rival drug gangs, whose members have included both active and former federal, state, and municipal security personnel. Throughout the country, but particularly in the northern border states, violence related to narcotics trafficking continued. For example, 27 murders with presumed or proven drug connections occurred in the Ciudad Juarez, Chihuahua area from January 1 to August 31. The modus operandi of the killings has shifted from the kidnappings and

disappearances of the mid-1990's to armed attacks in public areas throughout the city, in which intended targets and innocent bystanders are victims. The police and military were accused of committing serious human rights violations as they carried out the Government's efforts to combat drug cartels.

Although narcotics-trafficking organizations committed many killings, human rights groups allege that security forces are responsible for some killings generally attributed to narcotics traffickers or other criminals, including some of those whose bodies were discovered in Chihuahua in December 1999 (see Section 1.b.). The Association of Families of Disappeared Persons has alleged that the security forces were behind many of the disappearances and has argued that the cases were not investigated properly for that reason.

In October 1999, a group of men armed with assault weapons attacked Acapulco City councilor-elect Marco Antonio Lopez Garcia and his family while they were en route to a PRD election victory celebration. The councilor's son was killed, and the councilor seriously wounded. State authorities charged a PRD activist with the crime and alleged that he was affiliated with the Popular Revolutionary Insurgency Army (ERPI). The suspect later repudiated a confession that he alleged was coerced by torture and was released in November 1999. PRD officials rejected the results of the state investigation as false and called for federal intervention. Human rights observers charged that state and federal authorities used the investigation into electoral violence to repress opposition parties and peasant organizations by linking the political opposition to insurgent groups. The case is unresolved and still open.

There were no new developments during the year in the Federal Attorney General's office's (PGR) investigation into the March 1999 killing in Guerrero of Aurelio Penaloza Garcia, a former state attorney general and advisor to the PRD's unsuccessful gubernatorial candidate, by men dressed in Federal Judicial Police uniforms and armed with automatic weapons. In April 1999, the authorities had charged Bernardino Alvear Villa and Juan Valdovinos Rodriguez in connection with this murder. They have been arrested and were in jail awaiting trial at year's end. An arrest warrant has been issued for Eulogis Palacios.

On April 29, the Morelos state supreme court upheld the state congress's decision to bar former governor Jorge Carillo Olea from holding state office for the next 12 years because of his administration's connection to a kidnaping ring in the state. In March 1999, a court convicted the former Morelos state attorney general, Carlos Peredo Merlo, of allowing the cover-up of the kidnaping, torture, and murder of Jorge Nava Aviles in 1998. He eventually received a sentence of less than 2 years. The court also convicted Cuernavaca's former deputy prosecutor and the former director of the state judicial police on related charges in the same case and sentenced each of them to 3 years and 3 months. The remaining persons accused in this case still are awaiting trial.

There were no new developments regarding the October 1999 death of Cosem Demian Sanchez Sastre, a member of the Zapatista National Liberation Front (FZLN), the political branch of the EZLN, who was found dead in his cell in a Tijuana detention facility. There also were no new developments regarding either the August 1999 case of the arrest of Tamaulipas PGR officials charged with the murder of fellow PGR official Jaime Rajid Gutierrez Arreola or the May 1999 killing of 1 immigrant when federal fiscal police opened fire on a van containing 23 persons.

There were no new developments in the June 1999 case of Mauricio Martinez Hernandez, a municipal worker killed by a police officer in Naucalpan, in the state of Mexico. There were no new developments in the May 1999 attack on indigenous rights leader Herberto Pazos Ortiz.

There were no new developments in the case of Gerardo Villarreal Rodriguez, who died in Nuevo Leon in 1998, after being tortured by four state police officers; or in the investigation of the 1998 killing of an alleged migrant smuggler, in which seven members of the Grupo Beta police unit were detained.

On May 18, a Chiapas state court convicted the then-director of the auxiliary police, former General Julio Cesar Santiago Diaz, and his two chief lieutenants, Roberto Garcia Rivas and Roberto Martin Mendez, of "homicide by omission" and sentenced them to 8 years in jail in connection with the 1997 Acteal massacre. The men were close enough to hear the shootings, but took no action and reported that all was quiet in their area when questioned by state officials. Of the 102 persons detained, 58 now have been convicted and sentenced, although 24 have had their sentences suspended. There are outstanding warrants for 27 others.

On May 10, 14 former police officers involved in the 1997 killing of 6 youths during a police operation in the Mexico City neighborhood of Buenos Aires were convicted in connection with 3 of those killings. The court sentenced 11 officers to the maximum penalty of 50 years in jail and 2 others to 18 1/2 years. However, in September a judge denied an arrest warrant for Moctezuma Ilhuicamina Zaepeda Rodriguez and Jose Lamberto Ponce Lara, the two former leaders of the police groups implicated in the murders. The same judge also either acquitted or denied arrest warrants for 15 other police officers in September. Investigations were

still underway into the killings of the remaining three youths.

The courts have arrested 44 public officials in connection with the 1995 Aguas Blancas massacre of 17 indigenous farmers. Of the 44, 13 former police officers have been convicted and sentenced to 18 years in prison, 9 other former government officials have been convicted and sentenced, and 3 of the accused are fugitives. Fifteen former police officers have been absolved and freed on appeal, as have 7 other former officials. Despite recommendations by the Inter-American Commission on Human Rights (IACHR), the U.N. Rapporteur on Extrajudicial Executions, and the Supreme Court, then-Governor Ruben Figueroa Alcocer has not been investigated or prosecuted for his alleged involvement in the massacre. The Guerrero state government has indemnified the debts of the victims' families, and both the federal and state governments consider the case resolved.

On June 12, seven Chiapas state policemen were killed and one other policeman and a civilian were wounded in an ambush in Las Limas village, El Bosque municipality, Chiapas. On July 26, the Federal Attorney General's office announced the arrests of PRI supporter Alberto Patishtan Gomez and EZLN supporter Salvador Lopez Gonzalez in connection with the ambush on charges of murder, robbery, and possession of illegal weapons. The Federal Attorney General's office charged that Patishtan and Lopez were part of an armed 10-person group that carried out the attack. However, the Fray Bartolome de Las Casas Human Rights Center maintains Lopez's innocence, claiming there is insufficient proof against him.

On July 30, Juan Lopez and Gabriel Luis Hernandez Gomez were arrested in connection with the June 1999 murder of Jose Hidalgo Perez, a member of a politically active family in San Cristobal de Las Casas, Chiapas. They are awaiting trial.

There were no new developments in the January 1999 killing of villagers in Tzacabel, Chiapas.

On February 27, the authorities arrested two suspects for the January 1999 murder of Jorge Aguirre Meza, cofounder of the Sinaloa Human Rights Defense Commission and a mayoral candidate in the municipality of Navolato. The suspects, who reportedly have ties to narco trafficking, are currently in jail and on trial in Culiacan, the state capital. Arrest warrants for two other suspects were also issued; however, these suspects are in a Mexicali jail on unrelated crimes.

The number of reports of vigilante killings and violence increased during the year, as compared to 1999. For example, on July 30, approximately 2,000 residents of the community Nueva Palestina, Chiapas, put an indigenous man on trial for a robbery and murder and killed him. The state attorney general's office dispatched a team to investigate and to help resolve tensions in the community.

#### b. Disappearance

There continued to be credible reports of disappearances. The CNDH is working to establish a nationwide database to assist in the identification of unknown remains, some of which may be those of persons who disappeared. According to press reports, the CNDH during the year received 37 cases of presumed disappearances; 19 of those reported missing later were found alive and well. In December 1999, nine bodies were recovered from graves outside Ciudad Juarez, Chihuahua. Six of the nine bodies were identified positively and the remains released to their families in May. Three of the bodies were identified as persons not previously listed among the 224 persons reported missing in the state since 1994. All of the victims are believed to have had ties to drug trafficking in some way. Federal authorities confiscated the ranch where the bodies were found but the courts subsequently ordered it returned to its owner in July. The Chihuahua-based Committee for the Defense of Human Rights alleges that military and police forces are responsible for some of the disappearances. The Association of Families of the Disappeared Persons also has alleged that the security forces were behind many of the disappearances and has argued that the cases were not investigated properly for that reason.

According to the national public security system, there were 607 kidnappings in 1999, 734 in 1998, and 1,047 in 1997. However, kidnapping is an underreported crime. In Michoacan police have broken 89 kidnapping rings since 1996, resulting in 500 arrests, including 49 during the year. On August 18, Mexico City's Legislative Assembly passed a law to impose mandatory minimum sentences of 15 to 20 years for Mexico City public servants convicted of kidnapping. Although 6 kidnappings were reported in Chihuahua State from January to August, all have been resolved and 11 suspects were arrested and remain in custody. None of the suspects detained are public officials.

According to the Miguel Agustin Pro Juarez Center for Human Rights (PRODH), on March 13, gunmen allegedly under the order of local bosses in Ajuchitlan del Progreso, Guerrero, kidnapped Maximino Marcial

Jaimes. He has not been seen since. Marcial was a member of an environmentalist organization. According to PRODH, the press had reported that Marcial was in Almoloya prison, but the prison officially denied his presence there. His whereabouts were unknown at year's end.

According to the January 1999 Human Rights Watch report, many disappearance cases were in fact cases of prolonged detention by security forces. The report detailed incidents that occurred in previous years, and numerous human rights groups credibly asserted that disappearances continued to occur.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture; however, it continues to be a serious problem. The Constitution excludes as evidence confessions obtained in the absence of the accused person's defense attorney, and the law excludes coerced confessions, including those extracted under torture. However, the police regularly obtain information through torture, prosecutors use this evidence in courts, and the courts continue to admit as evidence confessions extracted under torture. The military has also been accused of using torture. According to Amnesty International (AI), many victims do not report, or do not follow through on complaints against the police due to fear of reprisals, thereby hampering prosecution of the perpetrators. To combat torture, the Congress passed laws to prevent and sanction torture in 1991 (amended in 1994), adopted the Law of the Defense Office of Mexico City in 1998 and the Federal Public Defense Law in 1998.

In her 1999 annual address, the then-president of the CNDH acknowledged that torture continued to be a serious human rights problem. She cited the PGR and the Defense Secretariat as the main organizations associated with the use of torture. In a report published in July 1999, the U.N. Human Rights Committee expressed concern that laws aimed to prevent torture were inadequate because of the absence of an independent body to investigate allegations of mistreatment. There are persistent reports by nongovernmental organizations (NGO's) of the widespread use of torture by the police and the security forces. In a June 22 report, AI Mexico claimed to have received numerous complaints that indicate that torture is a habitual practice in many areas of the country especially to extract confessions and information in place of police investigations. In October the same organization reported that the legal system permits torture, that torture is practiced in the country, and that urgent action is needed to eliminate it. AI called for legislative and administrative reforms to enforce the laws against torture and eliminate the judicial prerogative that permits the introduction of confessions extracted under torture. Nigel Rodley, the U.N. Special Rapporteur on Torture, reported in January 1998 that torture continued to occur despite the fact that the country had in place an array of legal safeguards. In March Guadalupe Morfin Otero, president of the Jalisco Human Rights Commission (CEDHJ), attacked the state attorney general's office for continuing the use of torture when interrogating prisoners. She cited several cases of possible police involvement in the death of prisoners (see Section 1.a.).

The authorities punish few officials for torture, which continues to occur in large part because confessions are the primary evidence in many criminal convictions. Poorly trained and inadequately equipped to investigate crimes, police officers often attempt to solve crimes by rounding up likely suspects and then extracting confessions from them by force.

In August the police in Nueva Italia, Michoacan, arrested Ivan Ramirez and Israel Moline and allegedly tortured them into confessing to the murder of their friend. One of the youths charged that he confessed only after at least six state police officers had beaten him, semi-asphyxiated him using plastic bags, and damaged his testicles. The youths told the judge that they had been tortured; however, he admitted their confessions as evidence anyway and consigned them to jail. When the friend returned from an unannounced trip 3 months later, the youths were released. The Michoacan State Human Rights Commission charged state legal authorities with fabricating evidence in the case.

On August 4, CNDH report 8/2000 charged that the military falsified evidence against two environmental activists, Rodolfo Montiel Flores and Teodoro Cabrera Garcia, tortured them, violated their rights to due process, and harassed residents in their home village, Pizotia, Guerrero. The military did not respond publicly to the CNDH report. Montiel and Cabrera had been arrested in May 1999 on charges of illegal drug cultivation and illegal possession of arms, and their colleague Salome Sanchez Ortiz was killed by the military. Montiel and Cabrera stated that military personnel tortured them to extract their confessions. The Government stated that on three separate occasions, Montiel and Cabrera confessed to illegal activities, and that tests had indicated that both men had fired a gun. However, the defense team stated that on each of those occasions Montiel and Cabrera were intimidated by the presence of military personnel. Initial medical examinations performed in 1999 by government and CNDH doctors did not find evidence of torture, but a medical examination by independent doctors on July 29 did find physical evidence consistent with torture. The CNDH recommended that the army conduct numerous internal investigations of its handling of the arrests and detentions. On August 28, a judge sentenced Cabrera to 10 years' imprisonment for illegal possession of arms reserved for the exclusive use of the military. Montiel was sentenced to 6 years and 8 months on the same charge, as well as for possession of arms without a license, and illegal drug cultivation. Defense lawyers cited

many irregularities in the judicial process and are appealing the verdict. On October 19, the press reported that the PGR requested that the sentences of Montiel and Cabrera be increased to the maximum of 20 years; however, on October 27, the appeals judge upheld their original sentences.

On April 1, the former president of the Guerrero state PRD, David Molina Francisco, alleged that he was freed after being held hostage for 40 hours by military personnel. Molina claims that he was tortured physically and psychologically, including being beaten and subjected to electric shocks, and interrogated on activities of insurgent groups. The PRD lodged a formal complaint with the Guerrero state human rights commission.

On August 1, the Mexico City human rights commission recommended that the city's attorney general's office investigate the torture of Jose Luis Mendez Briano and Fernando Martinez Beltran, who were arrested by city police on June 24 while making their getaway from a robbery. One of the men was transferred to the hospital for treatment of various injuries.

On July 30, in Ecatepec, Mexico state, auxiliary police discovered four Central American migrants hiding in a rail car. The police allegedly beat them, stripped them of their clothing, and kept them in a cell for several hours, before finally letting them go. The federal prosecutor's office in Ecatepec opened an inquiry into the alleged violations; the inquiry continued at year's end.

State human rights commissions also received reports of torture allegedly committed by police. The CEDHJ charged in September 1999, that the Jalisco state attorney general, Felix Ledesma Martinez, and the mayor of Guadalajara, Francisco Ramirez Acuna, had impeded an investigation into an alleged case of torture to protect high-ranking members of the Guadalajara municipal police force. On January 13, Jalisco state police arrested former armored car guard Jesus Galvan Ortiz in Guadalajara, Jalisco. Galvan claimed that police took him to a house, tortured him, and demanded that he confess to robbing an armored car. Police released him several hours later and never charged him. The house where Galvan allegedly was taken and tortured was later found to belong to the wife of attorney general Ledesma. On February 8, Ledesma admitted to owning the property but denied any knowledge of the alleged torture. Nonetheless, on February 14, citing personal reasons, he resigned from office. The Jalisco CEDH was investigating Galvan's allegations at year's end.

In September 1999, the president of the Mexico City Human Rights Commission (CDHDF), Luis de la Barrera, announced that during the CDHDF's 6 years of existence, the Mexico City attorney general's office (PDJDF) was the subject of the majority of its recommendations regarding torture. The commission made 14 recommendations involving 18 alleged perpetrators; 7 against the PDJDF, 6 against the Director General of Prisons, 3 against the Secretary of Public Security, and 2 against the Director General of Public Health. In its report, the CDHDF noted that it had investigated 44 security personnel for the use of torture. It had 17 of these cases still under investigation, dismissed 5, and had found 22 public officials culpable. However, the authorities did not arrest 11 of those found culpable.

During the year, the Zacatecas state Human Rights Commission issued several recommendations for punitive action against the state police for their habitual use of torture. On August 8, the Zacatecas state legislature requested that Governor Ricardo Monreal Avila order the state attorney general to designate a special prosecutor to investigate the local police for the alleged torture of four persons accused of stealing farm equipment in 1999. On September 20, state prosecutors issued arrest warrants for two state policemen on charges of torture, illegal arrest, and abuse of authority. The prosecutors also announced that they were investigating five other members of the state police, including the state police chief, for their presumed involvement in torture. However, despite the public urging of Governor Ricardo Monreal, neither arrest order had been executed by year's end.

Members of the security forces were charged with committing rape. For example, on June 10, municipal police in Matias Romero, Oaxaca, arrested Rolando Jesus Vazquez Vargas, a sergeant in the 6th artillery regiment, for the rape and beating of Maria de Carmen Dominguez. Two other men are being sought in connection with the same assault. On July 18, Chihuahua state judicial police arrested three soldiers, Ruben Villanueva Sanchez, Eleazar Jimenez Flores, and Rosendo Juarez Zenil, for raping and beating a tourist. A 1998 report by the IACHR described a definite pattern of rape and sexual assault against women committed by such officials. The Commission stated that some women had been assaulted sexually by law enforcement officials, particularly those in detention, or had been assaulted by others with the officials' consent.

Official corruption and complicity in crime continues to be a source of human rights violations. For example, on May 25 and 26, the authorities arrested two Mexico City judicial police agents, Ahui Omar Castro Hernandez and Gerardo Bustamante Dominguez, and Rene Rodriguez Monroy, a former employee of the city's public security secretariat, on extortion charges. They allegedly demanded \$16,000 (150,000 pesos) from narcotics trafficker Jose Rigoberto Caballero, in exchange for his freedom from city custody. Many citizens distrust the justice system, including law enforcement officials, and are reluctant to register official complaints.

On July 23, workers at a hospital construction site in Ciudad Juarez rioted in protest over mistreatment by police and poor working conditions (see Section 6.e.). According to the workers, one of the underlying causes of the incident was persistent petty extortion by the police.

On August 8, Juan Ramos Lopez, judicial director of the city's Secretariat for Public Security (SSP), lodged a complaint against the PGJDF with the Mexico City human rights commission. Ramos alleged that the PGJDF had been persecuting him since November 1999 when the SSP approached the PGJDF for information on the diversion of funds in the city's auxiliary police force. A PGJDF investigation into the diversion of funds continues, and 26 auxiliary police commanders have been suspended from duty for their involvement in the scandal.

Police abuse and inefficiency hamper investigations. For example, in April a court overturned on appeal the 30-year sentence of Abdel Latif Sharif, convicted in connection with the string of murders of over 200 women since 1993 in Ciudad Juarez, based on lack of consistency in the autopsy reports. Sharif remains in custody and is to receive a new trial. Since his arrest, eight more young women have been kidnaped, raped, strangled, and their bodies dumped in the same areas of the desert where previous victims were found. Four bus drivers are still in detention for allegedly committing the murders while Sharif was incarcerated. The bus drivers claim that they were tortured into confessing, and their case remained under investigation at year's end (see Section 1.c.).

Several human rights organizations and the U.N. Special Rapporteur on Extrajudicial Executions, Asma Jahangir, who visited the country in 1999, believe that the Government has made only limited progress in solving these murders because most of the victims were poor, young women, few of whom had anyone to press the authorities for intensive investigation. However, police incompetence, prosecutorial ineptitude, and lack of investigative resources also hampered the investigation.

To enhance the investigation into the murders in Ciudad Juarez, the Chihuahua attorney general's office appointed a special prosecutor for crimes against women in 1998. The special prosecutor's office has 65 cases in process, related to 67 of the victims; the remains of 23 of the victims required extensive scientific examination to identify them. In August the court system in Ciudad Juarez had a total of 145 cases in process against 103 persons for murdering women, including for motives of domestic violence, crimes of passion, drug connections, and revenge.

Some law enforcement personnel have been known to have drug trafficking connections. For example, in November 1999, 4 former Tamaulipas state police officers were among a group of 10 men, including narcotics trafficker Osiel Cardenas-Quillen, who confronted 2 international law enforcement officers with automatic rifles on a busy street in Matamoros, Tamaulipas. Carlos-Guillen and his associates went into hiding and are being sought by the authorities.

On June 21, the PGR arrested Jose Ricardo Rodriguez Torres, Ruben Cortes Flores, Miguel Angel Crespo Zoloeta, and Carlos Pineda Bernal, four Tijuana-based agents of the PGR's counternarcotics agency. They were charged with drug trafficking.

On August 8, the newspaper La Jornada reported that the internal affairs department of the PGR sanctioned 3,060 public servants between December 1996 and March 2000 for involvement in illegal activities, especially drug trafficking.

Narcotics-trafficking organizations also included corrupt public officials. The former governor of Quintana Roo, Mario Villanueva Madrid, is suspected of having aided narcotics-trafficking organizations. He fled shortly before his term of office expired in 1999 and still was being sought by federal authorities at year's end. Villanueva Madrid claims that he is innocent and the victim of a political frame-up.

Government officials have conceded the country's serious human rights shortcomings. UNHCHR Robinson, who visited the country in November 1999, said that President Zedillo's admission that serious human rights violations occur in Mexico was a positive sign. In an effort to fight corruption and provide better public security, the Government created the PFP in 1999. The 12,000-person force includes approximately 5,000 transferred military personnel and another 6,000 from the former federal highway police. The inclusion of military personnel, who take a leave of absence from the armed forces while serving in the PFP, led to criticism from some human rights NGO's.

Police extorted money from street children, at times abused homosexuals (see Section 5), and violated the rights of illegal immigrants (see Section 2.d.).

Francisco Hernan Cortes, one of the presumed attackers in the May 1999 attempt on the life of PRD Senator Hector Sanchez Lopez and two companions, remains in jail awaiting trial in Oaxaca.

Prison conditions are poor. Many prisons are staffed by undertrained and corrupt guards, and some lack adequate facilities. Prisoners complain that they must purchase food, medicine, and other necessities from guards or bribe guards to allow the goods to be brought in from outside. The penal system comprises 444 facilities: 5 federal penitentiaries, 8 federal district prisons, 329 state prisons, and 102 municipal and regional jails. Prison overcrowding continued to be a common problem, despite an early release program endorsed by the CNDH, legal reforms that reduced the number of crimes that carry mandatory prison sentences, and the construction of new prisons. Antonio Sanchez Galindo, technical director of the Council for Minors of the Secretariat of Government, estimated that the prison population is 50 percent over capacity. The prisons with the largest overpopulation are: Reclusorio Norte in Mexico City-Capacity 4,506, actual population 7,419; Reclusorio Oriente in Mexico City-Capacity 4,295, actual population 7,441; Reclusorio Sur in Mexico City-Capacity 2,914, actual population 4,485; La Mesa in Tijuana-Capacity 1,716, actual population 5,982; Ciudad Juarez-Capacity 1,310, actual population 2,740. In Ciudad Juarez, Chihuahua, the state prison increased its capacity by 400 beds to 1,240, but the facility still has 2,720 inmates. The authorities in Chihuahua State have approved the construction of a second penitentiary in Ciudad Juarez to ease overcrowding and begun construction on a new juvenile detention facility, which is scheduled to be completed in 2001.

In 1998 Federal District prison director Carlos Tornero Diaz admitted that guards supply 40 percent of the illegal drugs smuggled into the prisons, and that inmates lacked sufficient drinking water. While the authorities investigate some prison officials for abusing prisoners, they more commonly dismiss those who commit abuses or charge them with only minor offenses. Drug and alcohol abuse is a problem in prisons. A Baja California State official estimated that 80 percent of the state's prison population are addicted to drugs. Conflicts between rival prison groups involved in drug trafficking continue to occur. On September 5, Federal Judicial police stormed the Torreon prison to end what they claimed were 20 years of self-government by the prisoners. In the process, the police seized munitions, drugs including cocaine and marijuana, and alcohol. In May doctors at a prison in Nuevo Laredo resigned, citing unhealthy conditions such as inadequate food and water as the reason for their resignations. They stated that conditions such as mange, AIDS, and tuberculosis are known to the authorities, who fail to take any action to treat and segregate sick inmates.

The Oaxaca Human Rights Networks reported that Eugenio Almaraz Garcia, a Zapotec man, died on February 29 from presumed neglect by the director of the Pochutla, Oaxaca prison. According to his family and the Mexican League for the Defense of Human Rights, Almaraz died of septic shock, multiple organ failure, and tuberculosis after being denied medical attention 6 days before his death. The Oaxaca state Human Rights Commission is investigating the case.

In many prisons inmates exercise authority, displacing prison officials. Influence peddling, drug, and arms trafficking, coercion, violence, sexual abuse, and protection payoffs are the chief methods of control used by prisoners against their fellow inmates. Corruption and poor conditions led to riots and escapes. On September 30, about 60 detainees at the Juarez Juvenile Detention Center were involved in a clash with authorities. The troubles began when repeat offenders being held in isolation allegedly exposed themselves to guards and refused to return to their cells. Ten ringleaders then incited others to join in the disturbance. Rioters broke lights and tore down power cables before being subdued by police reinforcements using tear gas.

On May 17, the PFP intervened in the Penitentiary Number 1 in Nuevo Laredo, Tamaulipas to regain control of the prison, which had been exercised by a narcotics-trafficker prisoner, Guillermo Martines.

On September 5, close to 1,000 PFP personnel intervened in the state penitentiary in Torreon, Coahuila, to break the control established by prisoner Martin Gallardo.

In August the CNDH issued a recommendation to the governor of Tabasco and requested an immediate investigation into the administrators of the state penitentiary. Prison riots at the state penitentiary on October 22 and November 3, 1999, left 11 prisoners dead. The CNDH report criticized Tabasco prison administrators for their negligence in not caring for the prisoners during severe flooding and for failing to maintain order, impartiality, and the physical integrity of prisoners.

Women are held separately from men and juveniles are held separately from adults.

Although the Constitution calls for separation of convicted criminals from detainees held in custody, in practice these requirements were violated routinely as a result of overcrowding.

There is no specific law or regulation to allow human rights organizations or other NGO's to visit prisons;

however, in practice such visits are permitted in certain situations, especially by the CNDH. For example, the International Committee of the Red Cross (ICRC) is able to visit prisoners in Chiapas due to a July 1998 agreement with the Government. For permission to visit prisoners in Oaxaca and Guerrero, the ICRC must apply to the Ministry of Foreign Relations.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the police continued to arrest and detain citizens arbitrarily. Arbitrary arrest and detention were among the most common human rights abuses. Legally, a prosecutor may hold a detainee no more than 48 hours before he must present the accused to a judge, except when the accused is caught in the act or within 72 hours of committing a crime. In 1999 Human Rights Watch reported that a great number of disappearances eventually are found to be cases of arbitrary detention (see Section 1.b.).

Reports of arbitrary detention occur with greatest frequency in Tabasco, Guerrero, Chiapas, the Federal District, and Oaxaca. States' attorney general personnel, state police, and the army are the most frequent abusers of detention laws.

The Constitution provides that the authorities must sentence an accused person within 4 months of detention if the alleged crime carries a sentence of less than 2 years, or within 1 year if the crime carries a longer sentence. These periods can be extended if the parties agree. In practice, judicial and police authorities frequently ignored these time limits. Criminal defendants often were held with convicted prisoners. Furthermore, many detainees reported that judicial officials often solicited bribes in exchange for not pressing charges. Those able to pay were released from custody. Corruption is rampant throughout the system. For example, in May two judicial police agents along with a former city government employee were arrested on extortion charges (see Section 1.c.).

Judges often failed to sentence indigenous detainees within legally mandated periods. In 1996 the CNDH reviewed 8,661 files of indigenous persons who were detained and recommended the immediate release of 1,727 persons. Of those states with the largest numbers of indigenous prisoners, the CNDH reviewed 2,222 cases in Oaxaca, and recommended 407 releases, of which 296 had been accomplished by the end of 1998; 1,219 cases in Veracruz, with 331 recommendations for release and 245 releases; and 639 cases in Puebla, with 157 releases recommended, and 61 releases. In November 1999 the CNDH signed an accord with Secretariat of Government, the PGR, the Federal Institute of the Public Defense office, and the National Indigenous Institute (INI), to develop a program for the anticipated liberty of indigenous prisoners in federal prisons. Since that time, the CNDH has developed a database of 2,314 registered cases, and 381 persons were released during the year.

Federal prosecutors continued to adhere to the recommendation by the INI that they drop charges against first-time offenders accused of drug cultivation, as drug traffickers often forced indigenous defendants, who were not made aware of the legal significance of their actions, to grow the crops. The INI also supports programs to provide translators for indigenous defendants and to assist them in obtaining bail bonds.

Some human rights groups have claimed that activists arrested in connection with civil disobedience activities are in fact political detainees. The Government asserts that the system fairly prosecutes those charged in sometimes violent land invasions for common crimes, such as homicide and damage to property.

The law does not permit forced exile, and it is not practiced.

#### e. Denial of Fair Public Trial

The judiciary is generally independent; however, on occasion it has been influenced by the executive branch, particularly at the state level. Corruption, inefficiency, and disregard of the law are major problems. Corruption and impunity are serious problems and tend to benefit the wealthy and powerful. Lack of training also is a problem. Judicial reforms have begun to address some of these problems, but full resolution of these problems awaits more extensive and systemic judicial reform. In February and March 1999, the Congress and the states passed constitutional reforms designed to streamline the administration of justice and repeal archaic laws. Human rights groups criticized these reforms, claiming that they effectively allow prosecutors to disregard defendants' allegations of violation of due process during criminal proceedings. On August 11, the International Jurists Commission reported that judicial authority has been diminished severely by the procedural immunity enjoyed by officials of the State, particularly the military.

The federal court system consists of a Supreme Court, 91 circuit courts of appeal, 49 courts of appeal, and

185 district courts.

Efforts to implement the 1995 judicial reforms continued. During the year, the Federal Judicial Council strengthened administrative control over the judiciary, investigated cases of corruption, and removed some corrupt judges. In addition, in September the Institute for Professional Formation of the Mexico City Attorney General's office initiated new workshops and courses directed at officials who deal with prosecutions, including the prosecutor's office, official secretaries, judicial police, and police group leaders. The course material encompassed case management, scientific investigation techniques, legal framework, and evidence collection. However, in a report released in December, Human Rights Watch asserted that deficiencies in the administration of justice were still a major concern, and repeated its 1999 statement that judicial reforms have done little to improve the problems that plague the justice system. The December report stated that prosecutors not only ignored abuses by police but also fabricated evidence. Judicial oversight was seriously inadequate as the courts accepted evidence obtained through human rights violations, and judges cited legal precedents that weakened human rights protections.

Based on the Napoleonic Code, the trial system consists of a series of fact-gathering hearings at which the court receives documentary evidence or testimony. Court officials may add notarized documents (that are not authenticated) into the case file. A judge in chambers reviews the case file and then issues a final, written ruling. The record of the proceeding is not available to the general public; only the parties have access to the official file, although by special motion the victim may have access to it.

The Constitution provides for the right of the accused to attend the hearings and challenge the evidence or testimony presented, and the Government respects these rights in practice. In general, court hearings are open to the public and it is common to find not only the accused, but also relatives of the accused and journalists in the courtroom.

While there is a constitutional right to an attorney at all stages of criminal proceedings, in practice the authorities often do not assure adequate representation for many poor defendants. Moreover, the public defender system is not adequate to meet the demand, although improvements in salaries and benefits have ameliorated this situation. Attorneys are not always available during the questioning of defendants; in some instances a defense attorney may attempt to represent several clients simultaneously by entering different rooms to certify formally that he was present, although he did not actually attend the full proceedings. Prosecutor salaries and benefits vary by region and agency. Federal prosecutors are usually better paid than state ones.

In the case of indigenous defendants, many of whom do not speak Spanish, the situation is often worse. The law calls for translation services to be available at all stages of the criminal process; however, the courts do not routinely furnish translators for indigenous defendants at all stages of criminal proceedings, and thus defendants may be unaware of the status of their cases. Provision of translators to non-Spanish speaking defendants, including indigenous ones, is provided for but poorly implemented, resulting in prisoners being convicted without fully understanding the documents they have been required to sign. The CNDH, through the Fourth Inspector General's office, has a program to assist incarcerated indigenous defendants. The INI also has judicial assistance programs for indigenous defendants and provides counsel on their behalf. The INI also distributes legal, educational, and informational material in indigenous languages.

A particularly egregious abuse of due process is the prosecution's ability to use evidence gathered by means of torture. While torture itself is a criminal act, judges routinely allow statements coerced during torture to be used as evidence against the accused (see Section 1.c.). For example, in August a court convicted two environmental activists in Guerrero although they allege that they had been tortured into signing confessions (see Section 1.c.).

The law does not require civil trial of soldiers involved in civil crimes, and the military continues to handle such cases. The Constitution provides for military jurisdiction for crimes or offenses involving any violation of military discipline. In cases in which a member of the military commits a crime and is arrested by civil authorities, the military has the right to request transfer immediately of the case to military jurisdiction. Although the military retains jurisdiction over its personnel, it has begun cooperating with the PGR on investigations of counter-narcotics cases involving soldiers and sailors. For example, in late August, Generals Quiroz and Acosta were arrested by military police on charges of narcotics trafficking and assisting the Ciudad Juarez-based Amado Carrillo drug cartel. General Acosta also was accused of complicity in the disappearance and torture of several persons in Guerrero during the 1960's and 1970's.

In 1999 the Military Judicial Police had arrested five members of a military dissident group, the Patriotic Command for Raising People's Awareness (CPCP), a group composed of military personnel protesting what they had called an unjust military justice system. The authorities charged the five CPCP members with the

crime of sedition and later arrested the leader of the group, Hildegardo Bacilio Gomez. According to the Foreign Ministry (SRE), on April 17, the CNDH concluded that allegations that the military had tortured or violated the human rights of Hildegardo Bacilio Gomez and the other incarcerated members of the CPCP were unfounded. At year's end, the authorities held Bacilio Gomez in jail but had not yet brought him to trial. In December, the 12th circuit court in Mazatlan, Sinaloa, granted injunctions that in essence dismissed the charges of insubordination, sedition, and conspiracy against Juan Francisco Bernal Vasquez, Gerardo Torres Benitez, and Ignacio Manzano Benitez. Although they still face charges of violating "common military duties," they are eligible for release on bail. The appeal filed by Hildegardo Bacilio, leader of the December 1998 protest, is still under consideration.

At times lawyers in human rights cases faced harassment. For example, on January 27, two men physically harassed Juan de Dios Hernandez Monge and issued threats against Pilar Noriega Garcia. Both are attorneys for students at the Autonomous National University in Mexico City (UNAM) detained by the authorities. On March 29, unknown persons broke into the home of Leonel Guadalupe Rivero Rodriguez, another attorney for UNAM students. No valuables were taken but his computer files having to do with the UNAM cases were searched (see Section 2.a.).

The only political prisoner is General Jose Francisco Gallardo who maintains that he was sentenced to 28 years' imprisonment for speaking his mind on the advisability of having a military ombudsman (see Section 4). During the year, he received visits from Amnesty International.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the protection of privacy, family, home, and correspondence, and the law requires search warrants; however, in the past there have been credible reports that unlawful searches without warrants were common.

The law allows for electronic surveillance with a judicial order. The law prohibits electronic surveillance for electoral, civil, commercial, labor, or administrative purposes.

On September 20, the Mexico City daily newspaper El Universal reported that President-elect Fox, his transition team, and the National Executive Committee of Fox's party, PAN, were victims of eavesdropping on their telephone conversations. To substantiate its charge, the newspaper printed the transcript of a phone conversation between Fox and his spokesperson. Fox later verified the authenticity of the transcript. The persons or person responsible for the taping are unknown, but the press speculated that it only could have been the Government's civilian intelligence organization, the Center for Investigation and National Security (CISEN). However, no evidence was provided to support that charge, and CISEN denied responsibility. In December President Fox formed a committee, led by Secretary of Government Santiago Creel, Secretary of Public Security Alejandro Gertz Manero, Attorney General Rafael Macedo de la Concha, and security advisor Aguilar Zinser, to revise the practices and role of CISEN. The President gave the committee 100 days to evaluate CISEN and propose a plan for its reorganization and the enhancement of its transparency.

On July 19, Jose Murat Casab, governor of Oaxaca, announced that a routine check of his office had turned up three listening devices. Murat blamed three officials of the Federal Secretariat of Government--Francisco Eduardo de la Vega y Avila, Jose Trinidad Rodriguez Ballesteros, and Olaf Ivan Corro Labra--for this act. The three officials then lodged a federal complaint against Murat for character defamation. Zacatecas governor Ricardo Monreal Avila instructed state attorney general Gonzalez Navarro to open an investigation into alleged electronic monitoring of state government officials by federal security agents. In addition, state police chief Miguel Angel Hernandez advised state representatives that they all were being monitored electronically, although the factual basis for this advice was unclear.

On November 29, the PGR announced that it would not initiate legal action against Jorge Salomon Azar, former governor of Campeche, nor Antonio Gonzalez Kuir, current governor of Campeche, for their presumed involvement in the 1998 wiretapping of Layda Sansores, a former member of Congress. They later were released. However, on December 18, Sansores petitioned a court to order the PGR to reactivate the investigation against both men and to investigate Valente Quintana, coordinator of the state security and police system; Antonio Ayala; Dante Omana; and Manual Alfaro Isaac, former coordinator of advisors for then-Governor Salomon Azar.

The Constitution states that all persons have the right to make free, responsible, and informed decisions on the number of children they choose to have. The 1984 General Health Law provides for criminal action against those who pressure a woman to undergo sterilization procedures or perform such procedures without a woman's consent. There were no reports of forced sterilization during the year. In 1995 the CNDH found that the largest number of complaints against health care institutions involved negligence or abuse during childbirth

by medical personnel and charges of coerced sterilization. It said that the number of such complaints had grown, in large part due to women's increased awareness of their rights.

Independent agencies believed that forced sterilization procedures exceeded by several times the number of known cases, but the overall scope of the problem was difficult to quantify. Women may not realize that procedures have been performed until after the fact, and many victims are reluctant to file complaints, although there are mechanisms for filing formal complaints with the National Medical Arbitration Commission and with the national and state human rights commissions. However, the CNDH office in Chiapas reported that in some indigenous communities women choose sterilization, but then due to fear of reprisal from their husbands report that it was forced upon them or that they simply did not understand the nature of the procedure. In 1999 there were reports of possible violations of informed consent standards with contraceptive drug use in the state of Guerrero; however, these charges were not substantiated.

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

There were numerous allegations of the use of excessive force and the violation of international humanitarian law. Incidents of conflict in Chiapas between the security forces and EZLN sympathizers and in Guerrero between the army, the Popular Revolutionary Army (EPR), and the Revolutionary Army of the People's Insurgency (ERPI) led to many of these accusations. However, the confused circumstances of these clashes made those allegations difficult to substantiate. UNHCHR Robinson suggested in November 1999 that the Government consider creating a military human rights ombudsman to combat impunity in the armed forces. In an interview with the newspaper *La Jornada* published on July 27, CNDH president Jose Luis Soberanes responded that his agency was capable of dealing with complaints of violations by the military, and he also called for a restructuring of the military. The Secretariat of National Defense (SEDENA) has offices in Chiapas and Guerrero, to deal with citizen complaints of human rights violations. SEDENA, in coordination with the CNDH and state human rights commissions, provides its officers with human rights training; however, enlisted troops do not always receive instruction on human rights (see Section 4).

During much of the year, the Government maintained around 20,000 troops in selected areas of Chiapas to contain the EZLN-backed uprising that began in 1994, and about half that number in Guerrero to handle 2 much smaller rebel groups there. The EPR and the EPRI maintain a presence in Guerrero; however, they were less active compared with the previous year.

On December 1, his first day in office, President Fox ordered the dismantling of 53 military checkpoints in Chiapas and military camps in the conflict zone. In less than 10 days, the army withdrew from two contentious military positions. In addition, the Government lifted restrictions on previously expelled foreigners and eased visa requirements for members of human rights organizations. In a December 2 press conference in La Realidad, Chiapas, the EZLN's Subcommander Marcos stated that President Fox's initial steps were encouraging and praised his choice of Luis H. Alvarez as his Chiapas Peace Coordinator. The rebel leader also laid down five conditions for a return to dialogue with the government: passage of the Congressional Chiapas Peace and Reconciliation Commission (COCOPA) bill, liberation of all EZLN prisoners, withdrawal of the army from EZLN territory and repositioning of the army to pre-1994 positions, closure of seven specific military posts in Chiapas, and no substitution of state police for army troops in the newly demilitarized areas. On December 5, Fox sent to Congress the COCOPA bill to implement the 1996 San Andres Accords between the EZLN and the Government. Governor Pablo Salazar Mendiguchia took office on December 8, and declared that he plans to review the cases of all state prisoners charged with links to the EZLN. On December 30, he had 16 Zapatista prisoners released from state custody with a promise that more would follow.

At year's end, an amnesty by the Oaxaca state government led to the release of 32 persons accused of ties to the guerrillas from state detention. Of the 55 persons still in custody, 27 are subject to additional federal charges; and 20 were charged before 1996, the commencement date stipulated in the amnesty law.

NGO's and others have alleged that in the process of dealing with rebels in Chiapas, Guerrero, and Oaxaca, the Government used excessive force. For example, on May 25, state police forces and the army entered San Isidro Miramar in San Agustin Loxicha, Oaxaca, to detain alleged EPR members. Community residents claimed police and military officers harassed, threatened, and beat them during the arrest of Octaviano Hernandez Pacheco and Andres Enrique Hernandez. Since 1996 more than 70 residents of Loxicha have been arrested for alleged involvement with the EPR. As of July, 24 of these were still in prison. In July AI claimed that the prisoners had been subjected to torture and death threats and criticized the absence of due process in the handling of the cases. The NGO the Christian Action for the Abolition of Torture has criticized the use of torture against residents of Loxicha since 1996. However, on December 2, President Fox announced his support for an amnesty for the EPR, the demilitarization of the Los Loxichas area of Oaxaca State, and a review of the arrests of alleged EPR members. On December 8, the Oaxaca State legislature passed an amnesty law for local indigenous persons (Loxichas) accused of having links to the EPR. As of December 16, eight persons had been released from detention as a result of the amnesty; 79 Loxichas were

still in custody. Of these, another six persons were acquitted of homicide charges but not released because of other charges pending against them. Although 27 of these remaining prisoners are subject to federal charges, the Oaxaca State government has already petitioned the federal government for an amnesty on their behalf. Ultimately, up to 50 more prisoners could be released and 200 other persons still at liberty could have their arrest warrants cancelled, according to press reports.

In December 1998, the Fray Bartolome de Las Casas center and the PGR published conflicting reports on the Acteal massacre. The Fray Bartolome report blamed the Government for sponsoring armed civilian groups in Chiapas and for failing to protect the victims. The NGO accused the Government of waging "low-intensity warfare" in Chiapas and stated that the Government was responsible for the massacre. The PGR attributed the massacre to a history of local confrontation, the presence of the EZLN, an absence of the rule of law, and the neglect of local enforcement officials. In May a court convicted former General Julio Cesar Santiago Diaz and his two chief lieutenants of "homicide by omission" and sentenced each to 8 years in prison (see Section 1.a.). On October 15, the CNDH issued a report on the June 1998 battle in El Charco, Guerrero between the military and alleged elements of the ERPI that resulted in the killing of 12 persons. The Commission found that the army had violated the human rights of the inhabitants and that various articles of the Constitution, the Federal Criminal Procedure Code, and the Code of Military Justice had been violated. The CNDH recommended that the SEDENA investigate the actions of the military participants in the El Charco events, that the Judge Advocate's office investigate the official in the military prosecutor's office who first received evidence in the case, that the Judge Advocate's office determine if charges should be brought against military personnel, that SEDENA advise all military personnel regarding their role and responsibilities in upholding human rights and due process, and that Sedena issue general instructions limiting the role of military prosecutors in criminal investigations. SEDENA acknowledged receipt of the report, accepted its recommendations, and pledged to study how to implement them. At year's end, there was no information released regarding the results of any military investigations.

The military continues to deny any responsibility for abuses committed during the early stages of the Chiapas rebellion in 1994. The military authorities who have jurisdiction failed to punish any military personnel or government officials for committing abuses, although the CNDH issued an interim report in May 1994 finding that there was reason to believe that the military had injured or killed civilians in aerial attacks and that there were summary executions, illegal detentions, and instances of torture.

There were credible reports of violent incidents and murders committed by armed civilian groups and local political factions in Chiapas. The National Democratic Federation alleges that the group "Peace and Justice", which it described as a paramilitary group, was responsible for the murders of 53 Zapatista sympathizers since 1995. Another group that allegedly has committed human rights abuses in Chiapas is the Revolutionary Indigenous Movement against the Zapatistas. From January 1998 through August 1999, the army confiscated 431 weapons from civilians in the Chiapas zone of conflict. The Chiapas state attorney general's office claimed to have disbanded 39 gangs and confiscated 132 firearms within the same time period. On August 3, between 30 and 300 members of the Peace and Justice armed civilian group fired their weapons in the air, set off fragmentation grenades, and burned at least 6 houses to evict 90 EZLN sympathizers from Paraiso, Yajalon Municipality, Chiapas. The eviction reportedly was the result of a 1997 land dispute. The 15 displaced families remain in the nearby village of Hidalgo Joshil, and 40 military personnel patrol the area to maintain peace.

Armed civilian groups, controlled or sponsored by local political bosses loosely affiliated with the PRI, were alleged to have committed many human rights violations in Chiapas, including the 1997 Acteal massacre. NGO's such as the PRODH, The Fray Bartolome de las Casas Human Rights Center in Chiapas, and the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH) have identified at least 15 such groups; they identified 9 such groups in 1999. Some NGO's and press accounts contended that these groups were not only the private armies of local bosses, but also army surrogates armed by the military and used to attack the EZLN. The Government denied these allegations and likewise rejected the existence of paramilitary groups. On April 18, the Federal Attorney General's office opened a new special unit to investigate possible armed civilian groups in Chiapas. On October 27, the unit arrested 11 alleged members of Peace and Justice on charges of illegal weapons possession, organized crime, and terrorism. Among those arrested were three alleged leaders of the group: Samuel Sanchez, a former PRI state legislator; Marcos Albino Torres Lopez, a former army corporal; and Mario Cruz Perez, who reportedly was the link between the political and military wings of Peace and Justice.

On May 7, four masked men killed three indigenous persons and wounded one more during their return home by truck to Tzanembolom, Chenalho Municipality, Chiapas. The survivor was a reported EZLN sympathizer, while the dead were all members of the same progovernment family. It is unknown whether the attack was politically motivated, the result of a family feud, or a random criminal act. The CNDH opened two investigations that were still in progress at year's end. To maintain public order, the Chiapas state government adopted preventive measures, including police patrols and 24-hour police presence to protect local residents.

In June the municipal authorities of Chenalho, Chiapas, promised to facilitate the return to the area of almost 3,000 displaced members of "the Bees," a pacifist organization that sympathizes with some of the goals of the EZLN. The Bees had been displaced from Chenalho since 1997.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. The mass media are not subject to formal censorship by the Government; however, there were reports of some self-censorship. In addition, threats and attacks on journalists--some reportedly by federal, state, or local authorities--hindered press freedom. Nonetheless, the freedom and independence of the media continued to expand. Many observers believe that drug trafficking organizations or corrupt security personnel in their pay carried out most of the attacks on the media.

The traditional cozy relationship between the Government and the media that tilted coverage and editorial opinion in the Government's favor has diminished but not disappeared entirely. The Government no longer controls the import of newsprint but does retain control over broadcast licensing, which critics claim led some broadcast media to practice self-censorship. Accordingly old habits of accommodation lingered, and the editorial line of some key news organizations maintained a bias in favor of the Government. The persistence of official influence--and its greatest concentration--was most apparent in television. Instead of paying a 12.5 percent tax on advertising revenues, television broadcasters provided free broadcast time to the Government, which gave it convenient access to this powerful medium. Official advertising in the media continues, but disguising it as news coverage is more common at the state than at the national level. Cash and noncash payments to journalists persisted but were not as common as they once were; legislation to end this practice was enacted in 1998.

The many attacks on journalists constituted the most serious problem for press freedom. The Committee for the Protection of Journalists and Media Communications reported that in 1999 there was a decline in the number of acts of intimidation, including physical attacks, threats, and detentions, against journalists; from 202 in 1998 to 135 in 1999. A report issued by 4 NGO's in 1999 recorded 240 attacks of various types against journalists during 1998, compared with 187 during 1997. These numbers include all aggressive acts against the media as reported in the media. According to the report, government institutions (including federal, state, or local police) or officials were responsible for 41 percent of the incidents. The Manuel Buendia Foundation, one of the NGO's, concluded that the vast majority of acts were intended to intimidate. During the first 7 months of 1999, the CNDH program on aggression against journalists investigated 22 complaints of attacks on journalists; most were for assault or intimidation. One, from July in the state of Morelos, was for murder. The CNDH began an investigation of that case.

There were no new developments in the 1999 harassment cases of Sergio Haro Cordero or Jesus Barraza Zavala. There was no information available about the Mexico City attorney general's office's (PGJDF) investigation of the February 1998 killing of Luis Mario Garcia Rodriguez, a reporter for the Mexico City daily newspaper La Tarde.

On August 14, the CNDH recommended that the CISEN investigate and sanction agent Abraham Ponce Calvo for violating the privacy rights of Miguel Badillo Cruz, a columnist for the newspaper El Universal, and his wife. Badillo complained that on June 13 and 14, Ponce tracked his wife's movements from his car. Ponce denied the allegations, stating that from June 12 to 15 he was in a different location investigating organized crime.

According to PRODH and the newspaper La Jornada, on May 14, members of the military harassed journalists at the Las Limas checkpoint in the state of Chiapas. The journalists were prevented from taking photographs and were filmed by the soldiers.

On June 15, men dressed in police uniforms kidnaped Freddy Secundino Sanchez, a writer from the magazine Epoca, outside his home in Mexico City. The men drove him around in a taxi while they beat and threatened him at gunpoint before releasing him. On June 7, he received a death threat via telephone. On June 20, Secundino submitted a complaint to the Mexico City Human Rights Commission. The Commission in turn asked the Mexico City Attorney General's office to ensure that no agent under its command threatened or harmed Secundino, and that it provide Secundino and his family with protection and investigate Secundino's complaint. As a result, the Mexico City Attorney General's office assigned agents to protect Secundino and his family. The case was under investigation.

On June 22, unknown men opened fire on Lily Tellez, a high-profile news anchor and reporter for the national

network TV Azteca, while she was driving in Mexico City. Tellez was uninjured, but her chauffeur and two bodyguards were wounded. The motive for the attack is unknown, but speculation has focused on Tellez's investigative reporting on narcotics and the Francisco Stanley murder case. Francisco "Paco" Stanley was a television talk show host who was murdered while exiting a Mexico City restaurant. In its 2001 report, Human Rights Watch (HRW) reported that in February that the Human Rights Commission of Mexico City alleged that the principal suspect had been framed by prosecutors.

On April 28, the body of Jose Ramirez Puente, the host of a popular radio news program in Ciudad Juarez, was found in his car. He was stabbed to death. State judicial police claimed that they found 17.6 pounds of marijuana in his car hours after the discovery of the body, although local media organizations disputed any connection to drug trafficking. Ramirez covered state and local politics and the police beat; it was not clear whether the killing was related to his work.

On April 9, the body of Pablo Pineda, a reporter and photographer with the newspaper La Opinion in Matamoros was discovered in the United States. According to news reports, he had been shot in the back of the head. In December 1999, Pineda survived an attempt on his life near his home.

In May Meliton Garcia, a reporter with the Monterrey-based newspaper El Norte was charged with fraudulently obtaining a voter's registration card. The charges against Garcia stem from a two-part series in which he reported on his efforts to obtain voting registration documents using a false birth certificate. In the article, he described how unofficial document expeditors who congregate outside government offices sell false birth certificates.

In September the former police commissioner in Ciudad Juarez filed a criminal defamation suit against Jesus Antonio Pinedo Cornejo and Luis Villagram, editor and reporter for the weekly Seminario. An article dated February 28 and entitled "History of Police Officer and Drug Traffickers" linked the police commissioner with the drug trade. On October 2, the commissioner announced that he would drop the suit.

Television news independence has been enhanced by greater political pluralism, generational change in media leadership, and growing competition for advertisers and viewers, which continued to separate government and media interests. Moreover, as much of the national media has developed higher journalistic standards and independence in recent years, government influence has declined. The media showed a high degree of editorial independence, particularly in the capital and other major urban centers. Direct criticism of the Government, especially in radio and the print media, was common.

During the course of the year, prior to the July presidential elections, the Federal Electoral Institute (IFE) and the newspaper Reforma monitored media access for each of the candidates, especially broadcast media. The resulting published analysis demonstrated that the leading candidates enjoyed equal access to the media. National electronic media covered the candidates far more equitably than in past elections; however, there continued to be large discrepancies in coverage in local and state level electronic media. The overall effect was to give the PRI candidate Francisco Labastida more positive coverage. After the July 2 election, both the national and local media provided more balanced coverage overall.

In the middle of the campaign, the Government attempted to change the procedures for the distribution of government publicity placed in the media, placing control of all government advertising in the hands of the Secretariat of Government, which would then funnel the advertising through the government-owned Notimex news service. Media outlets protested, voicing concern that spending decisions would be based on political considerations. The Government retracted its plan and reverted to the system in which each government entity was responsible for its own paid advertising.

The Constitution recognizes academic freedom in higher education, and the Government respected this provision in practice.

In April 1999, a student strike at the UNAM to protest a proposed tuition increase shut down the university. The strike began when the authorities announced an increase in tuition but quickly evolved from a protest by some students into a more generalized attack on the national political system. The university administration made the tuition hike voluntary but did not meet other striking students' demands. The students at times used violence and intimidation to keep the university closed, and attempts to negotiate an end to the campus occupation failed. On February 6, several thousand PFP, accompanied by CNDH monitors, stormed the main campus, breached barricades, and detained about 600 strikers. Strikers did not resist the police operation, and the CNDH reported no human rights violations. Most of those detained were released within 24 hours, and only 251 were actually arrested and charged with rioting, terrorism, and dispossession. On February 14, classes resumed; however, on March 6, classes were disrupted once again when strikers reoccupied the university administration building and demanded the release from prison of fellow strikers. On April 14, at the request of

UNAM rector Juan Ramon De la Fuente, 3,000 PFP personnel armed with batons and riot shields positioned themselves in and around the UNAM campus to forestall a strikers' reoccupation of the university. The PFP later withdrew from the campus. On June 7, the PGR released on bail the last six jailed strike leaders.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly, and the Government respects this right in practice. The only requirement for holding demonstrations is that groups that wish to meet in public areas must inform local police authorities in advance. Organized, peaceful demonstrations occur frequently throughout the country.

The police showed restraint and avoided confrontation with UNAM student strikers, who conducted periodic marches through the streets of Mexico City (see Section 2.a.).

According to the NGO General Office of Citizenship Participation and Social Conduct, in the first half of the year, on the national level there were 83 marches with 291,560 participants and 58 blockages with 54,552 participants. In Mexico City there were 43 marches with 13,255 participants and 60 blockages with 10,990 participants.

The Constitution provides for freedom of association, and the Government respects this right in practice. Political parties, opposition, and independent associations functioned freely without government interference or restriction. The Federal Electoral Code recognizes national political parties as well as political associations. Political associations can participate in elections through an agreement with a political party but are not allowed to use their names or symbols during the election campaigns. Political parties do not have legal status until they receive their official designation from the IFE. The IFE currently recognizes 8 political parties and 31 political groups. Three parties lost their registration as a result of the July election because they obtained less than 2 percent of the vote.

Citizens are free to associate and may form private or charitable associations. However, in 1998 the Mexico City legislature passed a law that gave the city government more influence over private charities. According to the Foreign Ministry (SRE), there are as many as 7,500 NGO's active in the country, which are an important and vocal part of civil society.

The Government was accused of harassing NGO's, especially in the state of Chiapas (see Section 4).

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there are some restrictions. In November 1998, the Government and representatives of many religious denominations signed a religious code of conduct that reaffirms freedom of religion. The law bars the clergy from holding public office, advocating partisan political views, supporting political candidates, or opposing the laws or institutions of the State.

Religious groups cannot operate legally without registering as religious associations with the Under Secretariat of Religious Affairs of the Federal Secretariat of Government. Although the Government does reject a few applications, usually due to incomplete documentation, the registration process is routine.

The authorities in the past have used immigration law to restrict the activities of religious workers, particularly in the state of Chiapas. To visit the country for religious purposes, foreign religious workers must secure government permission. The Government limits the number of visas each religious group is allowed. Some religious groups claim that it is government policy to keep foreign religious practitioners out of Chiapas and Oaxaca, thus making it more difficult for religious workers going to those states to obtain visas. The Government maintains that it does not deny visas based on religion, and does not expel religious workers based on their religious activities. The Government argues that foreign religious workers have been expelled for inappropriate political behavior. There also have been incidents of violence between religious groups in Chiapas (see Section 5).

The Government lifted almost all restrictions on religious groups in 1992. The Catholic Church and other religions maintain their own schools; however, the Catholic Church complains of government restrictions on the running of those schools and the raising and spending of school funds. Although religious associations cannot own or administer broadcast radio or television stations, the Catholic Church owns and operates a national cable television channel. Government permission is required to transmit religious programming on broadcast radio or television, and permission is granted routinely.

Relations were difficult between the Catholic Diocese of San Cristobal de las Casas, Chiapas, and the Government during the tenure of Bishop Samuel Ruiz, which ended in April. The situation in Chiapas is a result of a complex mix of economic, ethnic, political, and religious tensions. The San Cristobal Diocese has complained that its foreign clergy are unable to get their visa status extended or rectified (many enter on tourist visas).

The non-Catholic Christian population continued to grow in Campeche, Chiapas, Yucatan, and along the northern border. There is a long history of religious intolerance in, and expulsions from, certain indigenous communities whose residents follow syncretistic (Catholic/Mayan) religious practices and view other religious practices as a threat to indigenous culture (see Section 5).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the right of free movement, and the Government does not restrict the movement of its citizens into, out of, or within the country, except in Chiapas where the Government attempts to keep persons away from EZLN areas.

The army and federal immigration authorities maintain strict checkpoints in parts of Chiapas. The focus of the checkpoints is the verification of tourist activities by persons with tourist visas. They also serve to stem illegal immigration. Church and human rights activists claim that the Government is fostering an antiforeigner climate. In addition, church groups complain about legal requirements that foreign religious workers must secure government permission to visit the country for religious purposes, and that the Government limits the number of visas granted to each religious group.

Corrupt police sometimes violated the rights of illegal immigrants. Illegal immigrants rarely file charges in cases of crimes committed against them, because the authorities generally deport immediately such persons who come to their attention; any pending case brought by an illegal immigrant is subject to dismissal because the person is no longer present. In May the CNDH criticized the mistreatment of Central American migrants by the authorities and society. Studies conducted by the College of Mexico indicate that human rights violations against Central American migrants were increasing. On May 2, the newspaper *La Jornada* reported that approximately 2,899 complaints of human rights violations had been filed by Central American migrants in 1999.

There were incidents in which illegal immigrants either were harassed or injured. On April 11, members of the state auxiliary police and federal judicial police arrested seven indigenous residents of Oaxaca State in a bus terminal, mistaking them for illegal Guatemalan migrants. After being interrogated by federal and state authorities, they were released. On April 13, the CNDH opened an inquiry into the victims' claim of cultural discrimination.

On July 30, in Ecatepec, Mexico state, auxiliary police allegedly beat four Central American migrants hiding in a rail car (see Section 1.c.).

There was no new information available about the alleged beating in March 1999 of four intending immigrants near Mexicali, Baja California, by federal fiscal police.

There were also credible reports that police, immigration, and customs officials were involved in the trafficking of illegal migrants (see Section 6.f.).

The law provides for the protection of foreigners who might face political persecution if they were to return to their countries of origin. The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government accepts the principle of first asylum and reviews each claim on a case-by-case basis with the assistance of the office of the U.N. High Commissioner for Refugees (UNHCR). In June 1999, UNHCR Sadako Ogata visited the country and signed agreements with the Government to strengthen protection for refugees.

On October 3, immigration authorities arrested Pedro Anibal Riera Escalante, a Cuban national and deported him to Cuba the following day. The Foreign Relations Secretariat subsequently noted that Riera, a former Cuban consul general in Mexico City, had applied for asylum on September 8. There were no other reports of the forced return of persons to a country where they feared persecution.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully through periodic elections. As a result of electoral reforms approved and implemented in recent years, the political process and especially the electoral process have become more transparent. While elections are open and generally fair, some abuses continue to occur. Prior to the July 2 presidential election, the PRI had dominated politics, controlled the Federal Government, and won every presidential election since its founding in 1929. However, on July 2, voters elected Vicente Fox, a member of the National Action Party and presidential candidate of the Alliance for Change Coalition, president, with 43.3 percent of the vote. Observers, both international and domestic, judged the elections, which ended the PRI's 71-year hold on the presidency, to be generally free and fair. The observers described the election as a historic turning point of the most profound significance and made recommendations for further electoral reform.

The legislature amended the Constitution to allow the eligible 9 million citizens resident overseas to vote in national elections; however, the Senate failed to act on the necessary implementing legislation that would have made voting possible in the 2000 election, due to differences over the costs and requirements for voting.

Presidents are elected every 6 years and cannot be reelected. President Ernesto Zedillo supported legislation making the IFE an independent agency and declined to handpick his party's candidate for the presidential election. Instead, the PRI held a multicandidate primary in 1999 and chose Francisco Labastida as its presidential candidate.

The Federal Electoral Institute (IFE), operating with full autonomy, arranged the July 2 federal elections, which international observers judged to be generally free and fair. They described the elections and the resultant overturning of 71 years of dominance by the PRI as a historic turning point of the most profound significance and made recommendations for further electoral reform. The IFE had implemented the extensive 1996 constitutional and legislative reforms to help prevent electoral fraud and to create more uniform conditions for political party participation by regulating campaign finance, advertising, and other areas. It standardized the voter registration list and recruited and trained thousands of civil society volunteers to serve as independent electoral workers at the voting booths. The IFE also has provided support to state electoral institutes in running state and local elections and was instrumental in overhauling electoral district boundaries to reflect demographic shifts.

After the July election, in the Chamber of Deputies, the PRI held 211 seats; the PAN 207; the PRD 50; the Green Ecologist Party (PVEM) 17; the Labor Party (PT) 7; Democracy Convergence (CD) 3; the Nationalist Society Party (PSN) 3; and the Social Alliance Party (PAS) 2. The PRI holds 59 seats in the Senate; the PAN 45; the PRD 17; the PT 1; the PVEM 1; and the CD 1. Legislators can and do change their party affiliation frequently.

On the state level, the PRI governs 19 states, the PAN 8, the PRD 1, PRD-PT coalitions 3, and PAN-PRD-led coalitions 2. On the municipal level, opposition strength is well established. The PRD governs the Federal District, and the PAN governs 13 of the 20 largest metropolitan areas.

On August 20, Chiapas voters elected the opposition Alliance for Chiapas candidate Pablo Salazar Mendiguchia to serve as governor, in a decisive victory over the PRI's Sami David David. As during the federal elections, the army was confined to its barracks, and the police presence was restrained. Although there were reports of minor, isolated irregularities, voting generally went smoothly. In his victory speech, Salazar supported the demilitarization of Chiapas and the introduction in Congress of the COCOPA legislation based on the 1996 San Andres accords between the EZLN and the federal Government.

On August 25, post-election violence in Chimalhuacan, Mexico state, between local PRI factions left at least 10 persons dead and many more injured. State police later arrested 62 persons, including the supposed ringleader, Guadalupe Buendia Torres.

Despite the IFE's efforts, there were still controversies at the state level over elections. On December 29, in Tabasco, the ultimate court of appeal on election matters (TEPJF) annulled the results of the state's disputed October 15 gubernatorial election and directed the Tabasco state legislature to name an interim governor and prepare for a new election. In its decision, the TEPJF cited inequitable local media coverage, diversion of funds for the election for the PRI candidate, and the blocking or miscounting of opposition votes. The TEPJF was created in 1987 and had never before invalidated an election.

Yucatan state opposition parties accused PRI Governor Victor Cervera Pacheco and the PRI-dominated state legislature of stacking the State Electoral Council to favor the PRI's candidates in the 2001 elections. On December 29, the TEPJF rejected the Council nominated by the state legislature and named a new Council. PRI state legislators questioned the legitimacy of this TEPJF-appointed Council and vowed to fight the "imposition" in the courts.

Although there are no legal impediments to their full participation, women are underrepresented in government and politics. Women hold approximately 16 percent of the seats in the Congress. No women serve as governors or justices on the Supreme Court. A woman, Rosario Robles, served as head of government of the Federal District from September 1999 to December. Under President Zedillo, 2 Cabinet Secretaries out of 20 were women. President Fox appointed 9 women to his 51-member Cabinet. A total of 9 of the 15 members of Mexico City Mayor Manuel Lopez Obrador's cabinet are women, and 13 of the city's 23 key city officials are women.

The Electoral Code provides that no more than 70 percent of candidates can be of the same gender. All political parties are attempting to increase the number of women who run for elected office through formal and informal means. They have utilized quotas requiring that a certain percentage of candidates on a party list be female. However, in practice women more often are put forward as substitute candidates who have little chance of serving unless the titular candidate leaves office. The PRD leadership is 22 percent female, 24 percent of its representatives and 13 percent of its senators are female, and it has a female party president. The PAN has utilized more informal methods to increase female registration. Nonetheless, 23 percent of its leadership is female, and 11 percent of its senators and representatives are female. PRI party rules mandate that a certain number of its candidates be women. Twelve percent of the party leadership, including its president, is female. Fifteen percent of both its representatives and senators are female.

Constitutional changes in 1996 expanded the rights of indigenous people to elect representatives to local office according to "usages and customs," rather than standard electoral law. Only the states of Oaxaca and Quintana Roo have enacted the implementing legislation. These traditional customs vary from village to village. In some villages, women do not have the right to vote or to hold office. In others, they can vote but not hold office. Women were excluded systematically from the political process by "usages and customs" in Oaxaca state and expected to face the same phenomenon in the state of Quintana Roo.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operate largely without government restriction, investigating allegations of human rights abuses and publishing their findings on human rights cases. Government officials generally have become more cooperative and responsive to NGO views; however, the Government used vigorous enforcement of its constitutional prohibition on foreigners engaging in political activities to hinder the work of foreign human rights monitors, and it restricted the activities of many human rights observers and religious workers in the state of Chiapas.

After the December 1997 Acteal massacre, foreign concern over Chiapas increased significantly, and many foreigners and members of human rights groups traveled to that area, often on tourist visas, to learn first-hand about conditions there, to observe the human rights situation, and donate supplies. However, when individual foreign activists in Chiapas acted in ways that the Government considered political and inconsistent with tourist status, the Government issued them a letter of departure that required them to leave the country upon expiration of their visas.

On July 4, Deputy Secretary of Government Jose Angel Pescador Osuna annulled the 2-year expulsion of Tom Hansen, director of Mexico Solidarity Network, and agreed to reconsider the expulsions of 400 other human rights activists, priests, and foreign development volunteers. On June 30, Hansen was granted a 15-day election observer visa.

In 1998 the National Migration Institute (INM) began to require persons who wished to enter the country to monitor the human rights situation to go through a new application process, which required, among other things, that they apply 30 days in advance. The INM also placed a 10-day limit on visits, set a limit of 10 visitors per NGO, and required that visitors submit a detailed itinerary and agenda. Domestic and foreign NGO's objected to these new visa requirements, and asserted that they actually restrict human rights monitoring and give the Government the right to decide which human rights organizations are legitimate. While government officials promised that the process would improve access for human rights observers, the effect has been the opposite. Immigration officials have used this visa requirement in the past to remove from the country religious workers whom they judge to be engaging in human rights activities. They also used this procedure to restrict the activities of human rights monitors. Human rights observers reported that the process is difficult, complex, rarely results in visa issuance, and interferes significantly with their ability to monitor human rights violations. As of September 15, 155 applications for human rights observer visas were made and 74 visas were issued. Of the 100 applications made in 1999, 95 were issued.

NGO's reported that human rights workers in several states received death threats while working on cases that implicated government officials. On June 13, Arturo Solis, president of the Center of Border Studies and the

Promotion of Human Rights, publicly accused federal immigration agents in Tamaulipas of involvement in illegal immigrant trafficking. He has since received numerous death threats. The case is under investigation by the Secretariat of Government, the National Human Rights Commission, the Tamaulipas State Human Rights commission, and a congressional commission.

On August 3, in Oaxaca, Oaxaca, the home of Angelica Ayala Ortiz, vice president of the Mexican League for the Defense of Human Rights (LIMEDDH), was robbed. Missing were Ayala's computer, recording equipment, and the new television and videocassette recorder that replaced similar ones stolen from her home last year. Asserting that the robbery was an act of intimidation, Ayala, who works on indigenous rights issues, lodged a complaint with the state attorney general's office, which is investigating. On February 15, an arrest warrant was issued for Jesus Reynaldo Hernandez Bautista, a bank security guard, for the July 1999 robbery of the LIMEDDH office in Oaxaca. There had been no apparent progress in the investigation into the August 3 robbery of Ayala's home by year's end.

In August elements of the army allegedly began to harass Hilda Navarrete Gorjan, director of the human rights NGO the Voice of Those Without a Voice in Coyuca de Benitez, Guerrero. On August 18, military personnel were parked in vehicles outside Navarrete's office with weapons pointed in the direction of her building. On August 23, unknown persons broke into the office and stole computer and video equipment; however, there was no evidence to suggest that the military was responsible for the break in.

There were no new developments in the investigation into the 1999 threats, harassment, and attacks against the PRODH and human rights lawyer Digna Ochoa. The investigation was still open at year's end. Mexico City judicial police provide protection for Ochoa while she is within the city limits. On May 10, the Inter-American Court of Human Rights stated that the Government was providing the protection for Ochoa ordered by the court, and that it had received no information about new threats or evidence of violence against PRODH. However, Ochoa did receive telephone death threats in June.

The PRODH has criticized the Government's actions to provide safety to human rights workers as inadequate. The PRODH advocates the adoption of measures to promote awareness of the importance of human rights work and to investigate cases of threats, intimidation, and attacks against human rights workers.

The National Human Rights Commission (CNDH), established by the Government in 1990, has improved its credibility steadily. The Senate, instead of the President, now appoints the commission's president, although some NGO's feared that this would make the CNDH more susceptible to political pressure. In November 1999, the Senate named legal scholar Jose Luis Soberanes to a 5-year term as CNDH president, replacing the sitting president prior to the expiration of her term. Although most NGO's have a favorable opinion of the CNDH, many are critical of its method of presenting information, especially the reporting of compliance with recommendations. NGO's also have criticized the CNDH's reliance on former government security or judicial personnel as investigators of human rights abuse allegations.

General Jose Francisco Gallardo Rodriguez, who was arrested in 1993 on a range of charges, including embezzlement and dishonoring the military, was moved in 1999 from a military to a civilian jail. Gallardo maintained that military authorities were persecuting him because he wrote an academic dissertation calling for the establishment of a human rights ombudsman's office in the military. Since 1996 the IACHR and AI had called for his release. On August 4, Gallardo's lawyer lodged a complaint with the Federal Attorney General's office to demand action against the military tribunal for negligence of administration of justice because it allegedly had issued its resolution against Gallardo 63 days after the legal time limit.

In 1999 U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions Asma Jahangir visited the country at the Government's invitation. Her report stated that the ineffectiveness of the justice system had led to violations of human rights. In addition, civilian courts' lack of jurisdiction over members of the armed forces for violations of human rights committed against civilians erodes the independence of the courts. The IFE implemented Jahangir's suggestion to invite international observers for the presidential elections and accredited 860 persons.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that men and women are equal before the law, and that education should avoid "privileges of race, religion, groups, sexes, or individual;" however, these provisions are not enforced effectively, although the Government continues to make progress in efforts to do so.

Amnesty International has reported that homosexual men and women are likely to be victims of abuse and violence. In its 1999 annual report, the Citizen's Commission Against Homophobic Crimes reported that on

average three murders are committed because of sexual orientation per month, and that there have been 190 such killings in the last 5 years, mostly in Mexico City, Mexico State, and Veracruz. The consensus among gay rights groups is that the police fail to investigate these crimes seriously.

#### Women

The most pervasive violations of women's rights involve domestic and sexual violence, which is both widespread and vastly underreported. A 1997 law on intrafamily violence criminalized intrafamily violence, established protective measures for victims, and provided public education on the domestic violence problem. The law provides for fines equal to 30 to 180 days worth of pay and the detention of violators for up to 36 hours. The law also expanded the definition of rape to include spousal rape, involving married or common-law couples. According to a 1999 survey by the National Institute of Statistics, Geography, and Computation, some form of domestic abuse occurs in one of every three homes. The victim seeks help in only one of every six homes suffering from domestic abuse. More than 65 percent of all women suffer some form of abuse, verbal or otherwise, but only 30 percent lodge formal complaints, according to the Mexican Association Against Violence Toward Women. In 86 percent of abuse cases, it is the father or husband who commits the abuse. The Center for Attention to Intrafamily Violence reports that it receives between 50 to 60 complaints nationwide every day. Women are reluctant to report abuse or file charges, and the police are reluctant to intervene in what society considers a private matter. Many police also are inexperienced in these areas and unfamiliar with appropriate investigative technologies, although some have received training on these issues.

According to the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), over 1 million women each year seek emergency medical treatment for injuries sustained due to domestic violence, which is the fourth highest cause of death for women. Groups such as the NGO Center for Research and Care of Women, are attempting to counter the widespread view of domestic violence as private, normal behavior and to deter future violence. On June 1, Mexico City Mayor Rosario Robles publicized a handbook written by a coalition of feminist NGO's to reduce domestic violence and to help victims of gender discrimination.

Under certain circumstances limited to the statutory rape of a minor between the ages of 12 and 18, the Criminal Code allows a judge to dismiss charges if the persons involved voluntarily marry. In practice this provision is invoked rarely.

In the case of the approximately 200 women raped, murdered, and mutilated in the Ciudad Juarez area since 1993 (see Section 1.b.), the CNDH determined in 1998 that the Chihuahua state attorney general's office's inadequate response had violated the human rights of the victims and their families. The CNDH therefore recommended that the state attorney general and the mayor of Ciudad Juarez be investigated for negligence. In the same year, the authorities appointed a special prosecutor and hired foreign experts in serial killings to advise investigators. The murders and rapes continued during the year.

Trafficking in women for the purpose of forced prostitution occurs (see Section 6.f.).

The Federal Criminal Code includes penalties for sexual harassment, but victims must press charges. Many female victims were reluctant to come forward, and cases were difficult to prove. Sexual harassment in the workplace is widespread.

The CNDH's First Inspector General's office is devoted entirely to protecting the rights of women.

Although the Constitution provides for equality between the sexes, neither the authorities nor society in general respect this in practice. The legal treatment of women's rights is uneven. Women have the right to own property in their own names and to file for separation and divorce. However, in some states a woman may not bring suit to establish paternity and thereby obtain child support, unless the child was a product of rape or cohabitation, the child resides with the father, or there is written proof of paternity.

The Constitution and labor laws provide that women shall have the same rights and obligations as men, and that "equal pay shall be given for equal work performed in equal jobs, hours of work, and conditions of efficiency." However, women in the work force generally are paid less than their male counterparts and are concentrated in lower-paying occupations. According to a 1998 academic study, even though girls and boys attend school at similar rates, a woman on average needs to have 4 more years of education to earn the same salary as a man in a comparable position.

Labor law includes extensive maternity protection, including 6 weeks' leave before and after childbirth and time off for breast feeding in adequate and hygienic surroundings provided by the employer. Employers are required to provide a pregnant woman with her full pay, are prohibited from dismissing her, and must remove

her from heavy or dangerous work or exposure to toxic substances. To avoid these expensive requirements, some employers, including some in the maquila industry, reportedly deliberately violate these provisions by requiring pregnancy tests in preemployment physicals, by regular examinations and inquiries into women's reproductive status (including additional pregnancy tests), by exposing pregnant women to difficult or hazardous conditions to make them quit, or by dismissing them. In its 2000 and 2001 annual reports, Human Rights Watch indicated that the Government not only was aware of such practices and failed to prevent them or to punish the perpetrators, but also made public excuses for companies that violated the law. The U.S. National Administrative Office (NAO), under terms of the North American Agreement on Labor Cooperation (NAALC), the labor side agreements to the North American Free Trade Agreement, accepted a challenge to these practices in the maquila industry and in January 1998 recommended ministerial consultations. As a result, the U.S. and Mexican Secretaries of Labor participated in a conference in Merida, Yucatan, in March 1999, on gender discrimination in employment. In addition, the U.S., and Mexican NAO's organized cross-border outreach sessions in August 1999 on the rights of women in the workplace in McAllen, Texas and Reynosa, Tamaulipas. The conference and the outreach sessions concluded that discrimination exists, that it is not sanctioned by law, and that the authorities have taken steps to inform female workers of their right to file complaints about such practices, by distributing brochures and opening government offices that work together with NGO's to publicize the problem and available remedies.

To protect the labor rights of women, the Secretariat of Labor made 9,593 safety and hygiene inspections in private factories and public institutions through August and estimated that it would complete 13,790 by the end of the year. The Secretariat made 23,138 inspections in 1996. However, while the Government increased the number of federal inspectors in 1997 and concluded agreements with more states to expand and better coordinate labor inspections, the number of maquila plants (approximately 3,500 operating) far exceeds what the less than 700 (approximately 350 state and 341 federal) inspectors can monitor.

In 1995 the CNDH found that the largest number of complaints against health care institutions involved negligence or abuse during childbirth by medical personnel and charges of forced sterilization (see Section 1.f.).

The National Women's Program (PRONAM) monitored the situation of women, made recommendations to the Government regarding women's issues, and worked with government agencies, international organizations, and NGO's to support women's causes. PRONAM and the National Statistics Institute compiled gender-specific statistics to ascertain more accurately the status of women. The International Labor Organization (ILO), the Secretariats of Labor and Foreign Relations, and PRONAM also promoted the status of women in the workplace. In addition, PRONAM and UNICEF initiated in 1999 an ongoing advertising campaign attacking social stereotypes and discrimination against women.

#### Children

Children under the age of 15 make up 35 percent of the population, and the median age of the population is 21. The Government maintains several programs to promote child welfare that support maternal and infant health, provide stipends for educating poor children, subsidize food, and provide social workers; however, problems in children's health and education remain. The CNDH receives numerous complaints about the services provided by the Secretary of Health, the Secretary of Education (SEP), and the Institute of Social Security. Nine years of education are compulsory, and the legal minimum age for employment is 14; however, according to SEP and the Sierra Neighborhood Foundation, only 31 percent of youths between 15 and 20 years of age attend school.

The problem of child labor is particularly pronounced among migrant farming families (see Section 6.d.). The Government has attempted to make schooling easier for the children of such families by making their educational credentials portable. The National Public Health Institute's 2000 National Nutrition Survey reported that 3 million children under the age of 5 suffer some form of malnutrition. UNICEF also reported that approximately 5 million children, 2 million of which are under 12 years of age, are working. In 1998 the director of the National Education Council reported that 1.7 million school-age children were not in school because their poverty obligates them to work. About 900,000 children work in agriculture, particularly in the northern states. UNICEF and the National Institute for Integral Development of the Family, in a 1999 study of working children in the 100 largest cities, estimated th