



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took offic This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



U.S. Department of State

Mexico Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

MEXICO

Mexico is a federal republic with an elected president, a bicameral legislature, and a constitutionally mandated independent judiciary. The Institutional Revolutionary Party (PRI) has won every presidential election since the party's founding in 1929, many of which involved credible allegations of fraudulent practices. Most national and international observers, however, regarded the August 1994 presidential elections as free and honest. The success of these elections carried over in 1995 into most state elections, with only one state election marred by allegations of serious fraud. In 1996 most state elections were fair and orderly. A few, such as the municipal race in Huejotzingo, Puebla, provoked serious postelectoral conflicts, most of which have been resolved. In November the Congress approved a package of further electoral reforms, including full autonomy for the Federal Electoral Institute and elections for Mexico City's local government. Due to disagreements on a number of issues, especially campaign spending limits and rules governing coalitions, however, the main opposition parties' legislators voted against the law. Despite opposition criticism of the PRI's decision to press for adoption of certain provisions on campaign financing in the reform package, the law includes the basic elements that had been agreed upon by the opposition.

Several southern states, most notably Guerrero, Tabasco, Oaxaca, and Chiapas, continued to suffer politically motivated violence. The Government and the Zapatista National Liberation Army (EZLN) remain committed to a negotiated settlement and peace talks continued throughout the year. On February 16, the parties signed an agreement on the rights of indigenous people. The army and the EZLN have not clashed since the Government unilaterally declared a cease-fire on January 12, 1994. A new group of uncertain origin and size, the Popular Revolutionary Army (EPR), made its appearance on

June 28. The Government considers the EPR a terrorist organization and has vowed to bring the group justice.

Police forces maintain internal security. The army is responsible for external security but also has domestic security responsibilities. The security forces, including the federal and state judicial police, federal highway police, and local police, are under the control of elected civilian officials. However, corruption is rife within police ranks. Members of the security forces continued to commit numerous human rights abuses.

Mexico has a market-based, mixed economy, which the Government has been progressively deregulating and opening. An ambitious program of privatization has reduced state-owned companies from more than 1,150 to less than 200. About 29 percent of gross domestic product (GDP) comes from manufacturing, 20 percent from commerce, 6 percent from agriculture, and 45 percent from service industries. There is significant subsistence agriculture, and 25 percent of the populace lives in rural areas. Leading exports include automobiles, manufactured and assembled products (including electronics and consumer goods), and petrochemicals. Although per capita GDP in 1994 was about \$4,200, it fell to about \$2,800 in 1995 as a consequence of currency devaluation and the recession. In 1996 there was steady improvement in macroeconomic indices such as GDP, external account balance, and foreign currency reserves and some modest recovery in employment. The microeconomic situation, however, did not improve significantly. Consumption, wages, and employment remain far below 1994 levels; this has produced higher levels of crime and social tension. There are severe and growing inequalities in income distribution, with large numbers of people living in extreme poverty in rural areas, shanty towns, and urban slums.

The Government generally respected the human rights of its citizens, although serious problems remained in some areas, and some states present special concerns. Major abuses included extrajudicial killings, torture, illegal arrests, arbitrary detentions, poor prison conditions, illegal searches, violence against women, discrimination against women and indigenous persons, some limits on worker rights, and extensive child labor in agriculture and in the informal economy. The Government continued, with limited success, its attempt to end the "culture of impunity" surrounding the security forces through reforms in the Federal Attorney General's office (PGR).

These included the dismissal of over 1,250 corrupt officials, new recruitment and training procedures, and closer supervision of federal police and prosecutors. The Government also continued its support for the government-funded National Human Rights Commission (CNDH) and the implementation of a wide-ranging package of other police and judicial reforms.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killings

Police and vigilantes acting on behalf of local landowners continued to commit extrajudicial killings while dislodging peasant squatters from rural lands in several states. To expand communal land holdings, for decades peasants have invaded private lands and petitioned for government recognition of the seizures.

Some large landowners and local political bosses in Chiapas maintain private militias to defend their property from peasant land invasions and to intimidate local opposition. This problem is especially acute

in some northern regions of the state, where the group Peace and Justice ("Paz y Justicia"), headed by autonomous local political bosses loosely affiliated with the PRI, is based. State authorities do not effectively impede the establishment of these militias, which reportedly often employ police and military personnel.

According to statistics compiled by the District Attorney's office for Chiapas state, approximately 500 peasants have been killed in the last 3 years as a result of violence in the northern municipalities of Tila, Sabanilla, Salto de Agua, and Tumbala. The Fray Bartolome de las Casas Center for Human Rights reported that at least 2,000 indigenous families have abandoned their lands for fear of violent attacks by the Peace and Justice group. Human Rights Watch/Americas similarly reported expulsions of peasants from Miguel Aleman, Nuevo Limar, Susuchumil, Tzaquil, and Usipa on account of the fact that they were supporters of the national Democratic Revolutionary Party (PRD).

On May 5, in Bachajon, Chiapas, an autonomous local paramilitary group also loosely affiliated with the PRI (the "Chinchulines"), was involved in violence with peasants arising out of longstanding land disputes. Members of the Chinchulines had arbitrarily detained villagers the day before. In retaliation for this and previous actions taken against them, the villagers attacked the house of the Chinchulines' leader and shot and killed him and another member of that group. Following the slayings, the Chinchulines pursued the peasants and in the resulting clash two more Chinchulines were killed, as well as two peasants. The Chinchulines then set fire to a number of houses belonging to the peasants. They also unsuccessfully attempted to burn a Jesuit residence in Bachajon. In total, 6 Chinchulines and peasants were killed, 23 houses and businesses burned to the ground, and 14 vehicles destroyed. State police were sent to the area and arrested 28 people for the violence.

According to the Miguel Agustin Pro Juarez Center for Human Rights, there were nine killings as a result of drug trafficking in the region of San Lucas Atoyacillo, Oaxaca. Local political bosses ("caciques") have benefited not only from alleged narcotics ties but also from their ability to seize the lands deserted by peasants fleeing the violence. Drug traffickers also resorted to killings to intimidate the indigenous peoples of the Tarahumara region in the north.

In the Huasteca region of Northern Veracruz, citizens complain of a perceived militarization in the area caused by the presence of army troops. Police continued to evict, detain arbitrarily, and destroy the homes of peasant leaders in the state of Veracruz. Land disputes in the state, especially those involving ranchers and indigenous persons, are the principal cause of such violence. Police often fail to investigate killings of peasants by ranchers.

On April 10, citizens of Tepoztlan, Morelos, were marching on the "Emiliano Zapata Route" to Tlaltizapan in order to present a petition to President Zedillo protesting the planned development of a golf course on communal lands. The police stopped the protesters and fired shots; the protesters responded by fleeing and defending themselves with rocks. In the melee, police shot and killed one protester, Marcos Olmedo. The Governor of Morelos denounced the shooting, saying that police are under standing instructions not to use firearms against demonstrators. The authorities arrested one policeman in connection with the shooting, and he remained in custody at year's end.

There has been an increase in the number of public lynchings occurring throughout the country, primarily in rural communities with limited access to the criminal justice system. According to press reports, 21 people were killed by lynching from September 1995 to August 1996.

At the request of President Zedillo, a panel of three Supreme Court justices conducted an inquiry into the June 28, 1995 slaying of 17 peasants in Aguas Blancas, Guerrero. Guerrero state police killed the

peasants while they were en route to protest the Government's failure to deliver promised herbicides. Many were members of the Peasant Organization of the Southern Sierra (OCSS), a small, leftist organization, formerly linked to the PRD. The justices rejected the conclusions of the Guerrero state attorney general's office that heavily armed policemen had acted in self-defense and that the peasants had fired first. The justices agreed with the conclusions of a CNDH investigation which determined that a film of the scene that officials had used to exonerate themselves had been tampered with, that at least one deliberate execution occurred, and that police placed weapons into the hands of the dead peasants in order to give the appearance that the peasants were armed and belligerent.

The justices also concluded that Guerrero Governor Ruben Figueroa shared responsibility for the massacre. Following the broadcast of an unedited, undoctored version of the film, clearly implicating the state police, and the start of the Supreme Court investigation, Governor Figueroa requested indefinite leave from his position. On March 13, the Guerrero state legislature named Angel Aguirre Rivero interim governor to replace Figueroa. In July, however, the Guerrero state legislature voted to exonerate Figueroa for any involvement he had in the Aguas Blancas killings. Nonetheless, he remains out of office. Then-CNDH president Jorge Madrazo called on the Guerrero state government to comply fully with the CNDH's recommendations, including a thorough reorganization of the state police. In accordance with CNDH recommendations, former special prosecutor Miguel Angel Garcia Dominguez (who later left his position to become a state supreme court justice in Guanajuato) brought criminal charges against some state officials and ordered the arrest of 10 policemen involved in the killings.

On December 29, an unknown killer murdered Rene Jaramillo Pineda, factional leader of the National Teachers' Union and chief of technical education in Guerrero, who was also a prominent supporter of former Governor Figueroa.

In January federal judicial police arrested 4 ex-officials and 18 state policemen in conjunction with the Aguas Blancas killings. They included the former state police operations director, Manuel Moreno Gonzalez, first deputy state attorney general Rodolfo Espino, former director general of state security Esteban Mendatt Ramos, and Gustavo Martinez Galeana, former chief of state security for the Costa Grande region of Guerrero. Then-CNDH president Madrazo said that in spite of the arrests of the four state government officials, other, higher ranking officials cited in the CNDH's recommendation as bearing responsibility for the crime remained free.

Raul Salinas de Gortari, brother of ex-President Carlos Salinas de Gortari, remains in prison pending trial as an alleged conspirator in the assassination of then-PRI Secretary General Jose Francisco Ruiz Massieu in September 1994. In addition to charges for the murder of Ruiz Massieu, Raul Salinas has also been charged with "unexplainable enrichment" (corruption) for allegedly amassing a fortune estimated in excess of \$100 million during his brother's presidency.

Mario Ruiz Massieu, former Deputy Attorney General (and brother of Jose Ruiz Massieu), remains in the United States pending ongoing deportation efforts. The Government has charged him with obstruction of justice for concealing Raul Salinas' role in Jose Ruiz Massieu's murder.

Gaston Ayala Beltran, a former state judicial police officer, remains in custody for the May 10, 1995, murder of Jalisco state Attorney General Leobardo Larios Guzman. Three other alleged gunmen of the Tijuana drug cartel were arrested in connection with the murder, and they remain in custody.

On August 7, Othon Cortez Vazquez, the alleged second gunman in the March 1994 assassination of PRI presidential candidate Luis Donaldo Colosio, was released for lack of evidence. The PGR is appealing the decision.

On May 10, an appeals court overturned the conviction of police officer Jose Antonio Verduzco Flores for beating U.S. citizen Mario Amado to death in 1992 in a Baja California jail, allowing Verduzco to go free. No new charges have been brought. The state District Attorney's office was conducting a review of the Amado case.

There were no new developments in the 67 cases of violence (including murders) against PRD activists in which CNDH has issued recommendations since 1992. The authorities have fully complied with 28 recommendations but only partially complied with the remaining 39.

b. Disappearance

There were credible reports by the media and NGO's of disappearances during sweeps by security and military forces in Oaxaca and Guerrero in attempts to round up EPR members. While denying that any individuals had been illegally detained, the Government offered to investigate each alleged disappearance. Many local NGO's report a disappearance when the authorities arbitrarily or illegally detain a person for questioning and release the suspect within days or weeks. In Oaxaca, for example, local human rights organizations indicated that all those reported as missing under such conditions were later accounted for.

According to the Miguel Agustin Pro Juarez Center for Human Rights, 18 persons in Sinaloa state and 1 person in Chihuahua disappeared in 1996, probably due to the actions of drug traffickers.

Amnesty International's 1996 report stated that two people who disappeared in 1995 still remain missing. On May 24, 1995, OCSS leader Gilberto Romero Vasquez disappeared after his organization had presented a series of demands to state authorities. Such demands later led to the Aguas Blancas massacre. Amnesty International also reported that in October 1995, Cuauhtemoc Ornelas Campos, a journalist and human rights activist, disappeared after receiving anonymous threats for publicly criticizing human rights abuses by local officials.

For the period of May 1995 to May 1996, the CNDH reported that it was able to conclude 38 cases of presumed disappearances. Of those cases, 33 of the people were found living, and the remaining 5 were found dead or with evidence of having died. This brings the total of cases of presumed disappearances investigated by CNDH to 153, of which 93 persons were found to be living and 36 dead or with evidence of having died.

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

The Constitution prohibits torture; however, it continues to be a serious human rights problem. Members of the security forces continued to torture and abuse detainees. The most commonly used methods of torture were threats, beatings, asphyxiation, and electric shocks. Soldiers also reportedly used torture against members of the EPR (see Section 1.g.).

There are persistent reports by NGO's of widespread use of torture by police and security forces. Although the CNDH reported in May that torture dropped from the 15th to 17th most common type of complaint, the actual number of complaints of torture increased by 31 percent, with a total of 59 complaints during the year. Of the 59 complaints alleging torture received by the CNDH, it referred 16 to state human rights authorities having jurisdiction over such matters. Of those cases handled by the CNDH, 16 involved actions taken in 1996, 23 in 1995, and the remaining 4 occurred prior to 1995. As of publication of its 1995-96 report, the CNDH had issued recommendations in five of those cases, in all of which the authorities involved were in the process of taking corrective action.

The CNDH, however, does not maintain statistics on torture complaints made to state human rights commissions. Of the 31 states and the Federal District, only the states of Hidalgo and Puebla lack laws prohibiting torture. Poorly trained and equipped to investigate crimes, police officers continued to attempt to solve crimes by rounding up likely suspects and then exacting confessions from them. Many state human rights commissions received reports of torture allegedly committed by police. According to the Human Rights Commission for the Federal District, for the period from October 1995 to September 1996, torture had dropped to 33rd on its list of most common complaints, with 16 cases reported.

The authorities punish few officials for torture, which continues to occur mainly because confessions are the primary evidence in many criminal convictions. Many victims do not report, or do not follow through on, their complaints against the police for fear of reprisals.

On January 3, 1997, a Federal District appeals court freed seven alleged Zapatistas, convicted on August 20 on charges including possession of illegal weapons and explosives and sentenced to prison terms of 6 to 9 years. Police had arrested the seven and detained them since February 8, 1995, after their safe house was discovered in Yanga, Veracruz. Defense attorneys had protested the conviction and said their clients would appeal, stressing that the CNDH found that the defendants had been tortured by security forces.

In some cases police officers dismissed in one state find law enforcement employment in another. The CNDH discovered that even when the authorities censured some officers in one law enforcement job, they moved on to other positions and were subsequently charged again with human rights abuses. In an effort to remedy this situation, the CNDH publishes lists of censured public servants in its annual report and monthly newsletters. In addition, the Government has established a national security register to keep track of censured police officers and address this problem.

Prison conditions are poor. Many prisons are staffed by undertrained and corrupt guards, and some lack adequate facilities for prisoners and are overcrowded, despite an early release program endorsed by the CNDH and legal reforms reducing the number of crimes that carry mandatory prison sentences. 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. Drug and alcohol use is rampant in prisons. Frequently, prisoners exercise authority within a prison, displacing prison officials. Conflicts between rival prison groups, often involved in drug trafficking, continued to spark lethal violence. While the authorities prosecuted a few prison officials for abusing prisoners, it was more common to dismiss them or to charge them with only minor offenses.

The penal system comprises 3 federal penitentiaries, 8 prisons within the Federal District, 274 state prisons, and 150 municipal jails for a total of 435 facilities. According to the Secretary of Government's Program for Prevention and Social Readaptation, 1995-2000, the prison population has increased annually by 25 percent, resulting in the space designed to hold 91,548 prisoners becoming overcrowded. As of December 1995, there was an excess of 2,026 prisoners for the space available.

According to a study conducted by the CNDH, from March 1994 to March 1996, over 50 prison riots occurred. Influence peddling, drug and arms trafficking, coercion, violence, sexual abuse, and protection payoffs are the chief methods of control used by prisoners against fellow prisoners in a form of self-government within the system.

A 5-day riot that began on July 3 at the Cereso One prison in Ciudad Victoria, Tamaulipas, resulted in 23 police injured, 12 prisoners injured, and 1 prisoner dead.

Some prisons, contrary to law, do not separate male and female populations. Officials sometimes

encourage women to form sexual liaisons with male prisoners and guards. In some cases, officials coerce women into sexual relationships.

The CNDH has a program to inspect prisons (from May 1995 to May 1996, the CNDH made 77 visits to 54 prisons in 25 states) and to investigate prisoner complaints.

There is no specific law or regulation regarding the ability of NGO's to visit prisons. In practice, such prison visits are allowed and are common. For example, members of the Democratic Lawyers National Front represented prisoners alleged to be members of the EZLN and were allowed to visit them in prison. Similarly, representatives of the International Committee of the Red Cross were allowed to visit with the alleged EZLN members.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the police continued to arrest and detain citizens arbitrarily. The law provides that the District Attorney may not detain an accused person more than 48 hours before presenting the person before a judge, but it makes an exception for persons apprehended in the act of committing a crime. In November Congress amended the Penal Procedures Federal Code to apply this exception to acts committed up to 72 hours prior to detention. The Mexican Commission for Defense and Promotion of Human Rights strongly criticized this change.

The Constitution provides that the authorities must try an accused person within 4 months if the alleged crime carries a sentence of less than 2 years, or within 1 year if the crime carries a longer sentence. The law requires that prisoners awaiting trial be housed separately from those convicted. In practice, judicial and police authorities frequently ignored these time limits. According to the CNDH and NGO's, the authorities often held criminal defendants with convicted prisoners and for longer than allowed by law before going to trial.

Arbitrary arrest and detention continued to be among the most common human rights abuses. For the period May 1995 to December 1996, the CNDH reported 303 findings of arbitrary detention and 36 cases in which it found that authorities held prisoners incommunicado. The Human Rights Commission for the Federal District reported 272 complaints of arbitrary detention for the period from October 1995 to September 1996. It found the most common complaint to be delay in the administration of justice, with 602 complaints. The Commission was critical of numerous arrest orders in the Federal District being ignored or unresolved.

In April 1995, the police arrested Mauricio Franco Sanchez for physically blocking efforts to build a golf course on an environmentally protected area in Tepoztlan, Morelos. In January 1996, a court sentenced Franco to a term of 10 years and 7 months, but he was released on July 8. The police also arrested several other members of the Tepoztlan United Committee who protested construction of the golf course and held them on charges of participating in a murder. Several human rights groups contend that the police are really holding these individuals because they protested construction of the golf course. In response to local protests, the developers of the proposed golf course and housing and resort complex canceled the project in April.

Detention of opposition political activists is neither widespread nor systematic but does occur frequently for short periods of time. Judges often failed to sentence indigenous detainees within legally mandated periods.

For the period from June 1994 to December 1996, the CNDH reviewed 7,823 files of indigenous

persons detained in Mexican jails. The Commission recommended the immediate release of 1,887 persons. By year's end, the authorities had released 1,069 of them; 818 cases were still pending. Of those states with the largest numbers of indigenous prisoners, the CNDH reviewed 2,111 cases in Oaxaca, and recommended 403 releases, of which 272 have been accomplished; 1,106 cases in Veracruz, with 331 recommendations for release and 198 releases; and 639 cases in Puebla, with 154 releases recommended, and 63 releases took place.

Federal prosecutors continued to adhere to the recommendation by the National Indigenous Institute (INI) that they drop charges against first-time offenders accused of drug cultivation, as drug traffickers often forced indigenous defendants, who do not understand the legal significance of their actions, to grow the crops.

Many detainees report that officials ask them to pay bribes for release before formal arraignment; many of those arrested report that they are able to bribe officials to have them drop charges before they go before a judge. Corruption is rampant throughout the system.

In an effort to instill a greater sense of professionalism and root out corruption in the Mexico City police force, and in the aftermath of clashes between police and protesting teachers in May, President Zedillo replaced Police Commissioner David Garay with General Enrique Salgado Cordero. Salgado named about 40 military officers to key positions on the metropolitan police force. Many sectors of society, including human rights groups, expressed concern that this would result in increased militarization of the Mexico City police. Other broad sectors of society supported the move. Salgado announced a 22-point reform program, which includes human rights training for all police, a review of the institutional structure, and greater economic resources for the police.

Robberies committed by policemen are common. In a number of cases in northern border states, judges, police, and persons posing as attorneys extorted large sums of money (\$3,000 to \$10,000) from tourists to "fix" real or fabricated infractions. State human rights commission authorities in Coahuila widely published a toll-free telephone number for reporting police abuses, but, according to the Coahuila Human Rights Commission, there were few if any such calls.

Most citizens view the police as corrupt and unhelpful: 64 percent of crime victims in Mexico City did not report incidents to law enforcement authorities. According to a reliable 1995 poll, 75 percent of those surveyed felt that the justice system was riddled with corruption. Police academies in some states, such as Coahuila, Durango, and Sonora, sought to improve police conduct by offering special courses aimed at greater professionalization. However, such progress among the various police forces is highly uneven.

On August 16, then-Attorney General Antonio Lozano dismissed 737 federal judicial police officers as part of an effort to professionalize the police, control corruption, and combat organized crime and drug trafficking. These dismissals followed the gradual removal of over 500 PGR personnel since Lozano took office in December 1994. Lozano also a