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1999 Country Reports on Human Rights Practices

Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

MEXICO

Mexico is a federal republic of 31 states and the Federal District, with an elected president and a bicameral legislature. President Ernesto Zedillo of the Institutional Revolutionary Party (PRI) was elected in 1994 to a single 6-year term. The PRI, the oldest and largest political party, enjoys significant advantages in patronage, incumbency, and fund-raising, and has won every presidential election since the party's founding in 1929, some of which involved credible allegations of fraudulent practices. However, in largely free and fair elections in 1997, the PRI lost its absolute majority in the lower house for the first time, and the two main opposition parties--the Democratic Revolutionary Party (PRD) and the National Action Party (PAN)--have become firmly established and continue to be competitive in elections. Politically motivated violence continued to plague 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, although in September the Government proposed a new peace initiative to restart talks. The judiciary is generally independent; however, it occasionally has been influenced by the executive branch.

The military shares responsibility for internal security with the police forces, which include federal and state judicial police, the new federal preventive police, the municipal police, and various police auxiliary forces. Elected civilian officials have control over the military and police; however, corruption is widespread within police ranks and also is a problem for the military. The military maintains a strong presence in the states of Chiapas and 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 real rate of growth in gross domestic product (GDP) in 1998 was 4.8 percent and the inflation rate was 18.6 percent. One-fourth of the population reside in rural areas where subsistence agriculture is common. Per capita GDP in 1999 was about \$4,600. The economy is still 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. Income distribution remained skewed; the top 20 percent of the population received about 60 percent of total income, while the bottom 20 percent earned less than 5 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. Continued serious abuses include extrajudicial killings; disappearances; torture and other abuse; police corruption and alleged involvement in narcotics-related abuses; poor prison conditions; arbitrary arrest and detention; lengthy pretrial detention; lack of due process; judicial inefficiency and corruption; illegal searches; attacks and threats against journalists; some self-censorship; assaults, harassment, and threats against human rights monitors; violence and discrimination against women; child prostitution and abuse; discrimination against indigenous people; violence and discrimination against religious minorities; violence against homosexuals; limits on worker rights; extensive child labor in agriculture and in the informal economy; and trafficking in persons.

The Government's efforts to improve the human rights situation have met with limited success. Although the Government has sanctioned some public officials, police officers, and members of the military, a culture of impunity continues to pervade the security forces. The Government continued to support the National Human Rights Commission (CNDH), and 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 were responsible for human rights abuses. The incidence of narcotics-related violence and human rights abuses also increased, allegedly with the assistance of members of the security forces. Guerrilla attacks against government property and personnel continued.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Members of the security forces, both the military and police, committed political and other extrajudicial killings.

On March 4 in the state of Guerrero, men dressed in Federal Judicial Police uniforms and armed with automatic weapons killed Aurelio Garcia, a former state attorney general and advisor to the PRD's unsuccessful gubernatorial candidate in the February 7 election. On April 16, the authorities charged Bernardino Alvear Villa and Juan Valdovinos Rodriguez in connection with this murder. The Federal Attorney General's (PGR) investigation continued at year's end.

On May 8, the military admitted that soldiers killed two farmers during the month of April (see Section 1.g.).

On May 15, Federal Fiscal Police killed 1 immigrant when they opened fire on a van containing 23 persons. The PGR opened an investigation into the incident and detained three Federal Fiscal Police officers. Press reports indicate that at least one of the officers detained also was involved in a similar incident on March 17 when the Federal Fiscal Police opened fire on a van. The police wounded 4 of the 45 passengers but did not kill anyone in that incident. On August 12, a judge ordered the arrest of current and former Tamaulipas PGR officials Carmen Oralio Castro Aparicio, Aurelio Soto Huerta, Jose Isabel Lopez Rivas, Gabriel Angel Gutierrez Portillo, and Ramiro Garcia Eugenio. They are charged with the murder of fellow PGR official Jaime Rajid Gutierrez Arreola.

On October 3, Cossem Demian Sanchez Sastre, a member of the Zapatista National Liberation Front (FZLN, the political branch of the EZLN), was found dead in his cell in a Tijuana detention facility. Police arrested him along with two others on charges of possession of marijuana and public intoxication the previous evening. The authorities announced that the official cause of death was suicide by hanging. However, Sanchez's family and fellow FZLN members claim that at least two witnesses saw prison guards beat him to death. The Binational Center for Human Rights office in Tijuana also protested the official cause of death. Sanchez was the fourth person to die in this Tijuana detention center during the year.

There have been numerous reports of executions carried out by rival drug gangs, whose members have been proven to include both active and former federal and state security personnel.

Throughout the country, but particularly in the northern border states, violence related to narcotics trafficking increased. The police and military were accused of being responsible for disappearances, arbitrary detentions, torture, use of excessive force, and other serious human rights violations as they carried out the Government's efforts to combat drug cartels.

Narcotics-trafficking organizations included corrupted 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 and at year's end was still being sought by federal authorities. Villanueva Madrid claims that he is innocent and alleges that he is the victim of a political frameup.

On March 24, a court convicted the former Morelos state attorney general, Carlos Peredo Merlo, of tolerating the coverup of the kidnaping, torture, and murder of Jorge Nava Aviles in 1998 and sentenced him to 3 years and 7 months in prison. However, a higher court later reduced his sentence to less than 2 years. The killing of Nava Aviles was discovered when the then-chief of the antikidnaping unit and other members of the Morelos state judicial police were found dumping his body alongside a highway. The court also convicted Cuernavaca's former deputy prosecutor and the former director of the 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 were awaiting trial at year's end.

In another incident, and following a public campaign by the victim's family, the authorities brought charges against two police officers in February for the 1998 robbery and murder of a foreign visitor in a death that first had been ruled accidental. Video

cameras from automatic teller machines showed police officers Lucio Tapia Galindo and Francisco Leon Gonzalez withdrawing money from the victim's account. The two officers also were implicated in similar incidents involving foreign tourists. They fled the country, but were brought back to stand trial. In February the court found them guilty of robbery and murder.

In January the PGR arrested two former Chiapas officials, public security official Absalon Gordillo Diaz and prosecutor Roberto Arcos Jimenez, and charged them with crimes relating to the December 1997 massacre of 45 persons in Acteal, Chiapas. In the first convictions for actual involvement in the Acteal massacre, on July 19 a court sentenced 20 persons to 35-year prison terms on charges including homicide, assault, and illegal possession of firearms. In September the court sentenced a second group of 24 persons to 35-year prison terms on similar charges. Former mayor of Chenalho Jacinto Arias Cruz, believed to have played a significant role in the Acteal massacre, was among those sentenced. At year's end, the court had not ruled on charges against more than 80 other individuals.

The September 1997 killing by police of six youths during a police operation in the Mexico City neighborhood of Buenos Aires remains unresolved. The authorities brought charges against only 6 of the 26 police officers originally accused of the crime, and charged only 1 of the 6, Eleazar Perez Zavala, with homicide.

The courts have convicted 9 former public officials and 13 former police officers of crimes in the 1995 Aguas Blancas massacre of 17 indigenous farmers. In April a circuit court released 15 former Guerrero state police officers without bringing them to trial. Former Guerrero governor Ruben Figueroa is alleged to have masterminded the massacre. However, the authorities never thoroughly investigated this allegation and never charged him with any crime.

In February 1998, Gerardo Villarreal Rodriguez died in Nuevo Leon, after being tortured by four state police officers. His body was discovered the next day in a shallow grave. A local television station broadcast a taped conversation in which state police chief Americo Melendez Reyna asked the state attorney general for help in covering up the crime. Melendez Reyna immediately left office; the authorities prosecuted him but did not bring charges against any of the alleged torturers. In June 1998, in El Charco, Guerrero, army troops killed 12 alleged members of the rebel Revolutionary Army of the People's Insurgency (ERPI), a breakaway faction of the People's Revolutionary Army (EPR), in a firefight. Five individuals were wounded and 22 were arrested. After investigating the incident, human rights NGO's found it suspicious that the military had sustained no casualties if, as the army asserted, there had been an intense firefight between troops and well-armed guerrillas. The authorities later released 20 of the persons arrested during the incident; they kept 2 persons in jail and subsequently arrested 2 more individuals. The Government charged the four persons with rebellion, possession of illegal weapons, and organized delinquency. The authorities insisted that those detained confessed to being guerrilla leaders, while the accused claimed that the confessions were false and extracted under torture. A judge in Acapulco upheld a ruling in January that the four are presumed members of the ERPI; they remained in prison, and a CNDH investigation into their allegations of torture continued during the year.

There was no information available on the investigation of the June 1998 killing of an

alleged migrant smuggler, in which seven members of the Grupo Beta police unit were detained. Officials were investigating whether the victim was killed after he had been detained and whether evidence was planted on him.

There were no new developments in the investigation into the March 1997 incident at San Pedro Nixtalucum, El Bosque municipality, Chiapas, in which police killed 4 persons and detained 24 others during a confrontation between PRI supporters and opponents.

On May 20, a court sentenced former judicial police officer Mario Alberto Gonzalez Trevino to a total of 49 years in prison for the torture and murder in 1990 of Norma Corona Sapien, a cofounder of the Sinaloa Human Rights Defense Commission. Corona Sapien had been investigating narcotics-related violence.

Some killings apparently were politically motivated. Jorge Aguirre Meza, cofounder of the Sinaloa Human Rights Defense Commission and a mayoral candidate in the municipality of Navolato, was killed on January 27. The other two cofounders of the defense commission, Jesus Michel Jacobo and Norma Corona Sapien, were killed in 1987 and 1990, respectively. The authorities have not charged anyone with Aguirre Meza's murder.

In June a police officer in Naucalpan, in the state of Mexico, killed Mauricio Martinez Hernandez, a municipal worker. Union activists and members of the opposition PAN party claimed that the killing was politically motivated. The authorities arrested one officer, who was tried and convicted for murder. A second suspect remained a fugitive at year's end.

Violence in the predominately indigenous state of Oaxaca increased. On May 9, PRD Senator Hector Sanchez Lopez and two companions were shot. All three survived the attack, which occurred near the town of Chalcatongo. There is some dispute whether the attack was politically motivated, and the PGR was investigating.

On May 11, the leader of an indigenous rights movement, Heriberto Pazos Ortiz, was shot and seriously wounded in the Oaxaca capital. Two other politically active indigenous leaders were killed in the same attack. On August 10, the secretary general of an organization supporting the Triqui indigenous group was killed as he left his home.

On October 3, a group of men armed with AK-47 assault weapons attacked an Acapulco city councilor-elect and his family 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 ERPI insurgent group. The suspect later repudiated a confession that he alleges was coerced by torture. PRD officials rejected the results of the state investigation as falsified 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.

On January 5, a group of persons killed villagers in Tzacabel, Chiapas, including a 4-year-old child. One survivor notified the state authorities, who arrested three men on January 8 in connection with the killings. One report of the incident asserted that a landowner hired the suspects to avenge the theft of two weapons. Another report described the attackers as

men dressed in black who pretended to be police officers looking for thieves. Chiapas police said that they had detained a total of six persons in the attack, including two women. On the same day, state authorities found the remains of three indigenous persons and were investigating their killing.

In January Raul Salinas de Gortari, brother of former president Carlos Salinas, was convicted of ordering the 1994 murder of PRI leader Jose Francisco Ruiz Massieu. Salinas, who maintains his innocence, was sentenced to 50 years in prison. On appeal, the court reduced his sentence to 35 years' imprisonment.

There has been some progress in solving the disappearances and murders, beginning in 1993, of about 200 women near Ciudad Juarez. Most of the victims were young women working in the in-bond export processing (maquila) sector. According to the state's special prosecutor for crimes against women, the authorities had completed investigations and filed charges or obtained convictions in 80 percent of the 198 cases under their purview from 1993 through 1999. Of the 46 cases discovered in 1998 and 1999, the authorities have investigated and made arrests in the majority of the killings. In February a court sentenced Abdel Latif Sharif to 30 years in prison for committing one of these murders. He is also alleged to have hired two persons to prove his innocence; they have been accused of 16 murders between them. There is no evidence that Sharif or his accomplices had political motives for their alleged crimes.

Several human rights organizations and the U.N. Special Rapporteur on Extrajudicial Executions, Asma Jahangir, who visited the country in June, believe that the limited progress in solving these murders was due to the fact that 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. No one else has been charged in any of the other 184 disappearances or murders, which apparently stopped after Sharif's arrest (see Section 1.b.).

Narcotics-trafficking organizations committed many killings. Human rights groups allege that military and police 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 (see Section 1.b.).

There were many reports of vigilante killings and violence during the year. For example, in Mexico City there were at least two incidents in which bus passengers overpowered would-be robbers and beat them before police could intervene. Only the alleged robbers were reportedly prosecuted in these incidents.

b. Disappearance

There continued to be credible reports of disappearances. In 1998 the CNDH registered 42 complaints of disappearance, compared with 30 in 1997. It was able to resolve 25 of these cases. The CNDH also is working to establish a nationwide database to assist in the identification of unknown remains. By the end of 1998, 20 states had agreed to take part in this network.

Kidnaping is a seriously underreported crime throughout the country. After the authorities

arrested state police officers in Morelos in January 1998 for participation in the operations of a kidnaping ring, the state police force was subsequently purged and no further such incidents were reported. In Baja California human rights groups claimed that 79 kidnapings took place in 1998 and 13 in the first 2 months of the year. The groups blamed the increase on local kidnaping rings and the lack of police response to escalating crime.

As of December 22, a total of nine bodies had been recovered from graves in the state of Chihuahua. The authorities believe that the graves were used by narcotics-trafficking organizations, and that some of the remains found are of the 224 persons reported missing in the state since 1994. The Chihuahua-based Committee for the Defense of Human Rights alleges that military and police forces are responsible for some of the disappearances. It also claims that at least 20 of the disappearances were politically motivated, but there was no evidence offered to support these claims. 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 January 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.

On June 10, Jose Hidalgo Perez, a member of a politically active family in San Cristobal de las Casas, disappeared in the state of Chiapas. No motive was found for his disappearance. On June 24, human remains were found alongside the Nachiv-Yalentay highway and were to be DNA-tested to determine if they belong to Hidalgo Perez. However, the Miguel Agustin pro-Juarez Human Rights Center (PRODH) said that the PGR claimed that the skull was too deteriorated to provide a DNA sample; no one had been arrested in the case by year's end.

There was no progress in the investigations of the 1995 disappearances of peasant leader Gilberto Romero Vasquez or journalist and human rights activist Cuauhtemoc Ornelas Campos.

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'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 authorities prosecute and punish few officials for torture, and this impunity abets the practice.

In her annual address in June, the president of the CNDH acknowledged that torture continues to be a serious human rights problem. She cited the PGR and the Defense Secretariat as the principal organiz