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Mexico: Justice fails in Ciudad Juarez and the city of Chihuahua

Date: 28/02/2005

Index: AMR 41/007/2005

The Governor of the state of Chihuahua in Mexico said recently that international attention on the situation in Ciudad Juarez is damaging the city's public image. The purpose of Reyes Baeza's comments is unclear, but such statements in the past have had the effect of undermining families and local NGOs seeking justice.

To say that it is international concern, and not the situation in the region, that is damaging the city's image is very clearly wrong-headed. Ciudad Juarez has a reputation for violence and brutality against women -- not because of international concern -- but because of the reality and the institutional failures to deal effectively with this reality.

The reality is that since 1993 more than 370 young women and girls have been murdered in the cities of Ciudad Juarez and Chihuahua - at least a third suffering sexual violence - without the authorities taking proper measures to investigate and address the problem.

Thanks to the efforts of the families of the victims and local women's organizations, coupled with international campaigning by the likes of Amnesty International and V-Day, things have begun to change. In 2003-4, in the face of this intense pressure, the federal government finally agreed to get involved, with a range of measures to combat violence against women in Ciudad Juarez -- but sadly not the city of Chihuahua.

A widely respected human rights activist, Guadalupe Morfin, was appointed to lead a Special Commission to oversee federal intervention in Ciudad Juarez. The Special Commissioner's office has played an important role in fostering contact with the families of victims and human rights organisations, developing projects to address underlying social problems and highlighting the systemic failure of state authorities in allowing the murders and abductions to take place and related abuses. However, her powers are very limited -- she has been denied access to the case files of the murder enquiries.

Another key mechanism was the creation of a Special Federal Prosecutor's Office to work with local prosecutors and conduct federal investigations into a very limited number of cases. The Prosecutor, Maria Lopez Urbina, also sought to systematise information on all case and locate women reported missing. In 2004, the Prosecutor reviewed the case files of 150 previous murder investigations handled by the State Prosecutor's Office. She concluded that there was probable cause for criminal and administrative investigations into more than 100 Chihuahua state public officials for negligence, omission and other related offences.

While these findings were an unprecedented recognition of the systematic mishandling of the original investigations, federal authorities insist that they do not have jurisdiction to officially investigate the cases. The cases have, instead, been handed back to the local Prosecutor's Office and courts in Chihuahua that conducted the flawed investigations in the first place. Unsurprisingly, the office has consistently failed to investigate these allegations properly. On the contrary, senior officials responsible for the original investigations have initiated slander actions against the Prosecutor.

Local media has reported that judges have suspended arrest warrants against state officials on at least three occasions over recent months. Charges against some of the officials have been dropped on the grounds that the statute of limitations has expired in relation to charges of negligence and other lesser crimes. The failure to address the deep seated problems in the local judiciary means it is unlikely that prosecutions would be likely to succeed even after passing the first hurdle of securing indictments.

Inadequate official data on the crimes committed in Chihuahua, particularly accurate figures on the exact number of murders and abductions of girls and women, has led to disputes around the issues that obscure the quest for justice. The Special Prosecutor has stated that less than 90 cases relate to sexual murders, but this conclusion is questionable due to the fact that it is based on the original flawed investigation. She has also downplayed cases of domestic violence, an integral part of the wider pattern of violence against women in the state.

Governor Reyes Baeza, who took office at the end of 2004, initially appeared to be introducing a more positive approach to tackling new cases and investigating past failures. He appointed the first woman State Prosecutor in Chihuahua and this appointment, along with those of other senior staff, coincided with the suspension of the previous squad responsible for investigating the murders in Ciudad Juarez.

It remains to be seen whether these new staff will have an impact on countering the endemic corruption in the judicial police and prosecutors offices and many questions persist about whether the situation can really improve without more fundamental changes. A number of legislative reforms at state level have been introduced to improve measures to combat torture and violence against, but, once again, there is no clear sign that they will be implemented effectively.

Mexican federal authorities insist that several people have been arrested in connection with the murders and that crimes have been solved. However, allegations of torture and other violations against alleged suspects, as well as the perception that some convictions may be due more to political and international pressure than well-founded judicial decisions, has heightened concern that miscarriages of justice have occurred.

Victor Javier García and Gustavo González Meza alleged that they were tortured into confessing to the murder of eight women in a house after they were detained in November 2001. In 2004 Victor Javier García was sentenced to 50 years' imprisonment despite no physical evidence linking him to the crime and his retraction of his confession on the grounds that he was tortured. Gustavo González Meza was found dead in his cell on 8 February 2003; prison authorities say he died of a blood clot following a hernia operation.

Miguel David Meza also claims he was tortured into confessing -- he also remains in prison. In the case of Ulises Perzebaland and Cynthia Kiecker, however, the charges were dropped after they retracted confessions extracted under torture and a judge found that there was no further evidence against them.

The failures are systemic -- the lack of proper investigations has led authorities to resort to torture to extract confessions where evidence is not available. This has not only led to the imprisonment of individuals who may be innocent, but also means that there is a strong likelihood that the real perpetrators are escaping justice and are free to continue to commit crimes. While the situation appears to have improved somewhat, there were still 18 murders in Ciudad Juarez in 2004 and several more in the city of Chihuahua; this year has seen two more women killed, so the threat facing women remains very real.

In recent days, a suspect has been detained in connection with the murder of 17-year-old Sagrario González in 1998. While the significance of the arrest has yet to be determined, the local Prosecutor's office has sought to take credit for the advance. However, as with so much in Ciudad Juarez and Chihuahua, this progress is a testament to her family's efforts over many years to overcome the resistance of investigators to pursue this avenue of enquiry.

There is an urgent need for impartial and independent investigations to be carried out into both the murders and the original investigations. The federal government needs to act to end the situation where those implicated in cases of negligence, omissions, cover ups and other crimes are potentially given the responsibility of investigating themselves or are able to block investigations and legal proceedings. Any new investigations need to be comprehensive, transparent and independent.

Ciudad Juarez does have an image problem, but that image is due to both the horrific crimes perpetrated in the region and the institutional failure to bring justice to bear on the perpetrators in a credible and fair way. The administration of Governor Reyes Baeza and the federal government must take responsibility for the situation. Ciudad Juarez's image will improve when the violence ends and the atmosphere of corruption and denial is replaced by one of justice and fairness.