

Mexico

Intolerable Killings

Ten years of abductions and murders in Ciudad Juárez and Chihuahua

"They have many lines of investigation, they have addresses, phone numbers, names and they haven't been handed over. I took them a lot of information and it isn't even in the case file. We don't deserve this treatment or the pain we are suffering every day. All I'm asking is that they find my daughter and for justice to be done". Evangelina Arce could not have imagined that on 12 March 1998 her daughter Silvia would never again return to her home in Ciudad Juárez, Chihuahua state. She has been searching for her desperately for over five years without discovering anything at all about her whereabouts. Throughout that time, Evangelina has repeatedly said that the authorities have ignored her demands for her daughter's abduction to be investigated and insists that no action has been taken on the case for five years.

In Ciudad Juárez, and more recently in the city of Chihuahua, the abduction of Silvia Arce and her mother's appeal for her daughter to be found and for justice to be done are not isolated occurrences. The authorities currently recognize that the fate and whereabouts of around 70 women remains a mystery. For many Mexican non-governmental organizations, the number of women who are missing is more than 400. What is certain is that in the state of Chihuahua, a significant number of cases of young women and adolescents reported missing – in one case an 11 year old – are found dead days or even years later. According to information received by Amnesty International, in the last 10 years approximately 370 women have been murdered of which at least 137 were sexually assaulted prior to death. Furthermore, 75 bodies have still not been identified. Some of them may be those of women who have been reported missing but this has been impossible to confirm because there is insufficient evidence by which to identify them.

"12 May 1993 - The body of an unidentified woman found ... on the slopes of Cerro Bola (...) in the supine position and wearing denim trousers with the zipper open and the said garment pulled down around the knees (...) penetrating puncture wound to the left breast, abrasions on the left breast, blunt force injury with bruising at the level of the jaw and right cheek, abrasion on the chin, bleeding in the mouth and nose, a linear abrasion near the chin, light brown skin, 1.75 cm., brown hair, large coffee-coloured eyes, 24 years old, white brassière pulled up above the breasts. Cause of death asphyxia resulting from strangulation. (Preliminary Investigation 9883/93-0604, Ciudad Juárez, Chihuahua, February 1998)"

In a significant number of cases, the brutality with which the assailants abduct and murder the women goes further than the act of killing and provides one of the most terrible examples of violence against women. Many of the women were abducted, held captive for several days and subjected to humiliation, torture and the most horrific sexual violence before dying, mostly as a result of asphyxiation caused by strangulation or from being beaten. Their bodies have been found days or even years later, hidden among rubble or abandoned in

deserted areas near the city. "When we found her, my daughter's body told of everything that had been done to her", said Norma Andrade the mother of Lilia Alejandra, whose body was found in February 2001, on waste ground in Ciudad Juárez, next to the *maquila*¹ where she worked. Like Lilia Alejandra, most of the women, some with children to support, come from poor backgrounds and have to take long bus journeys to reach their places of work or study. Sometimes, they have no choice but to walk alone across unlit waste ground and streets where they are at greater risk of possible attack.

These crimes, classified by the authorities as "serial killings" have shocked the population of Chihuahua, a state which is characterised by high levels of violence against women, including killings as a result of domestic violence or other types of violence.

The first cases of abduction and killing of women and girls exhibiting a similar pattern were reported in Ciudad Juárez ten years ago. Located in the desert on the border with the United States, it is now the most heavily-populated city in Chihuahua state. Its geographical position has turned it into fertile territory for drug trafficking and this has led to high crime levels and feelings of insecurity among the population. However, throughout the past few decades, the establishment of so-called *maquilas*, assembly plants for export products set up by multinational companies, has also meant that it has been privileged in terms of economic development. The profitability of the *maquiladora* industry is largely derived from the hiring of very cheap local labour. Despite the low pay, the need for a wage or the desire to get across the border to the neighbouring country to the north in search of a better future has turned Ciudad Juárez into an "attractive" city for a large number of people from different parts of Mexico.

Several of the missing or murdered women were employed in *maquilas*. Waitresses, students or women working in the informal economy have also been targeted by the assailants. In short, young women with no power in society, whose deaths have no political cost for the local authorities.

In fact, in the first few years after the abductions and murders began, the authorities displayed open discrimination towards the women and their families in their public statements. On more than one occasion the women themselves were blamed for their own abduction or murder because of the way they dressed or because they worked in bars at night. A few years later, in February 1999, the former State Public Prosecutor, Arturo González Rascón, was still maintaining that "Women with a nightlife who go out very late and come into contact with drinkers are at risk. It's hard to go out on the street when it's raining and not get wet".²

Over the years, the pressure brought to bear by the families and non-governmental organizations and their calls for the crimes to be clarified have succeeded in attracting national and international attention. Proof of this was the visit and subsequent report on the situation of women in Ciudad Juárez by the Special Rapporteur on the Rights of Women from

¹ *Maquilas* or *maquiladoras* are factories set up by US and other foreign companies to exploit cheap labour and favourable tariffs in the region near the US border.

² El Diario de Juárez, 24 February 1999.

the Inter-American Commission on Human Rights (IACHR)³. As a result of the national and international interest in the cases of the women from Ciudad Juárez and Chihuahua, the authorities have been forced to moderate their responses before public opinion on the issue, although they continue to insist on treating each crime in isolation and deny that the abductions and murders of the women and girls in question share common gender-based characteristics.

The failure of the competent authorities to take action to investigate these crimes, whether through indifference, lack of will, negligence or inability, has been blatant over the last ten years. Amnesty International has documented unjustifiable delays in the initial investigations, the period when there is a greater chance of finding the woman alive and identifying those responsible, and a failure to follow up evidence and witness statements which could be crucial. In other cases, the forensic examinations carried out have been inadequate, with contradictory and incorrect information being given to families about the identity of bodies, thereby causing further distress to them and disrupting their grieving process. Other irregularities include the falsification of evidence and even the alleged use of torture by officers from the Chihuahua State Judicial Police, in order to obtain information and confessions of guilt.

The creation in 1998 of the Special Prosecutor's Office for the Investigation of Murders of Women, also failed to live up to the expectation that there would be a radical change in the actions of the state authorities to stamp out such crimes. So far, despite the fact that the institution has had seven different directors, there has been no significant improvement in the coordination and systematizing of investigations in order to put an end to the abductions and murders. The father of María Isabel Nava, for example, reported his daughter missing to the Special Prosecutor's Office on 4 January 2000. However, according to him, instead of taking immediate action, the Special Prosecutor said to him: "It's only Tuesday" and insinuated that his daughter had gone off with her boyfriend. The father replied indignantly: "Are we going to wait until she turns up dead?". His fears were justified. The body of María Isabel Nava was found 23 days later. According to the autopsy, she had apparently been held in captivity for two weeks before being killed.

The situation is made worse by the failure, time and again, to keep the families informed of developments, causing deep distrust of the judicial apparatus and politicians. Furthermore, demands that a formal criminal investigation (*averiguación previa*, preliminary investigation) be immediately opened from the first day on which a woman is reported missing in order to determine whether a criminal offence such as unlawful detention (*privación de libertad*) or kidnapping has been committed, have been ignored. According to the authorities, such a request is not appropriate because they claim that the cases of women reported missing are investigated in the same way and with the same degree of urgency as if a formal investigation had been opened. However, in the Mexican justice system, a formal criminal investigation offers better guarantees and forces the State to justify its actions. In the

³ "The Situation of the Rights of Women in Ciudad Juárez, Mexico: The Right to be Free from Violence and Discrimination", March 2003. Report by the IACHR Special Rapporteur on the Rights of Women, Marta Altolaguirre.

absence of a criminal investigation, the family has no right to justice and is dependent on the good will of the authorities dealing with the case. In Ciudad Juárez and Chihuahua, the ineffectiveness of the investigations have prompted the relatives and friends of the victim themselves, fearing that something bad may have happened to their daughter or sister, to organize searches throughout the city. Responsibility for gathering evidence also falls on them.

However, the relatives do not only have to live with the pain caused by the loss of a loved one and the anguish of not knowing their whereabouts. In Ciudad Juárez and Chihuahua, the authorities have frequently criticized or tried to discredit the work carried out by non-governmental organizations and the relatives in their search for justice. Some organizations have even been publicly accused of using the cases of the women for financial gain without any evidence for such accusations. Worse still have been the threats and intimidation to which lawyers, relatives and members of NGOs have been subjected with no attempt being made to identify those responsible and bring them to justice.

Impunity reigns

As far as the state authorities are concerned, most of the murders – including cases of domestic violence or other types of violence - have been “solved”. However, although, according to their figures, 79 people have been convicted, in the vast majority of cases justice has not been done. Impunity is most evident in the case of the so-called “serial murders” that have been recognized as such by the state but in which there has been only one conviction for the kidnapping and murder of a young woman and 18 detainees awaiting the outcome of the judicial process, in some cases for several years. Furthermore, the quality of the investigations and the alleged failure to provide adequate guarantees during the trials cast doubt on the integrity of the criminal proceedings brought against several of those arrested in connection with these crimes. Meanwhile, year after year, the crimes continue. The discovery of the body of Viviana Rayas in May 2003 in the city of Chihuahua and allegations that those arrested in connection with the case were tortured, demonstrate yet again that the abductions and murders in question are far from being solved.

The fact that the state authorities have not managed to clear up or eradicate these crimes has led to much speculation about who might be behind the murders. There is talk of the involvement of drugs traffickers, organized crime, of people living in the United States, as well as rumours that those responsible are being protected. There are also theories about the motives being connected with satanism, the illegal trade in pornographic films and the alleged trafficking of organs. However, at the moment, since the investigations have so far not been able to confirm any of them, such hypotheses are simply helping to fuel even greater fear among Chihuahuan society.

For years the federal authorities overtly kept out of the investigations on the grounds that, unlike, for example, organized crime, the murders of women in Chihuahua state did not come under their jurisdiction as they were not federal crimes. However, during 2003, the Office of the Attorney-General, has confirmed that it has claimed jurisdiction over several

cases on the grounds that they may constitute federal offences and this could give a significant boost to the investigations. Given the scale of these crimes, Amnesty International believes that, in order to prevent, punish and stop the abduction and murder of women in Ciudad Juárez and Chihuahua as well as the abuses of power which have hindered the earlier investigations, it is essential for mechanisms to be set up to ensure proper coordination between all authorities at municipal, state and federal level.

The Ciudad Juárez and Chihuahua cases display many of the features which undermine the credibility of the Mexican justice system and foster impunity. Amnesty International has repeatedly called for a profound structural reform of the justice system to be undertaken in order for its investigative procedures and capabilities to be able to provide full access to justice for the victims and a fair trial for the accused by ensuring that all their rights are guaranteed.

The inability of the state authorities to address these violent offences against women also means that Mexico is in breach of international conventions to which it is a party, including standards that are specifically aimed at eliminating violence against women.

The violence against women demonstrated in these cases is not only a form of discrimination but also constitutes violations of the rights to life, physical integrity, liberty, security and legal protection enshrined in the International Covenant on Civil and Political Rights, the American Convention of Human Rights and the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW)⁴, among others. These international standards reaffirm the State's obligation to establish the truth, dispense justice and provide reparations to victims, even when their rights have been violated by private individuals.

The Americas is the only continent which has a binding treaty specifically directed at combatting violence against women: the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Pará).⁵ The Inter-American system also set a precedent when, fifteen years ago, it reaffirmed that the State incurs a responsibility at the international level when it fails to exercise due diligence in investigating and punishing human rights abuses committed by private individuals, thereby establishing a doctrine which is particularly relevant for women who are suffering systematic violence in the domestic domain and in the community.

The full document, entitled "Mexico: Intolerable killings - Ten years of abductions and murders in Ciudad Juárez and Chihuahua" (AI Index: AMR 41/026/2003), addresses the inability of the Mexican authorities to treat the cases in the context of a specific pattern and their failure to provide the relatives with a proper response or effective legal remedy. Through the use of specific cases, the report provides an analysis of the state's failure to exercise due

⁴ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified by Mexico on 23 March 1981.

⁵ The Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Pará), adopted in Belem Do Pará, Brazil, on 9 June 1994 and ratified by Mexico on 12 November 1998.

diligence in preventing, investigating and punishing the crimes in question. It also sets out Mexico's obligations under international human rights standards and includes a series of conclusions and a set of recommendations which, in Amnesty International's opinion, need to be fully and effectively implemented. The appeal cases described below provide an example of ten years of intolerable crimes.

Amnesty International's recommendations

- The federal, state and municipal authorities must publicly recognize and condemn the abductions and murders of women in Ciudad Juárez and Chihuahua and stress the dignity of the victims and the legitimacy of the relatives' efforts to obtain truth, justice and reparations.

- The state and federal authorities must ensure that prompt, thorough, effective, coordinated and impartial investigations into all cases of abduction and murder of women in Chihuahua state are carried out and given the necessary resources.

- The federal government must urgently address society's demand regarding who has jurisdiction to investigate the abductions and deaths of women in Chihuahua state so that effective, quick and thorough investigations backed up with resources, experts and the full cooperation of all other authorities can take place.

- The State must establish an urgent search mechanism so that, in the event that a woman is reported missing, a criminal investigation can be opened under the supervision of a judge with full powers to determine the whereabouts of the missing person and to follow up any relevant leads in order to determine whether an offence has been committed.

- Any negligence, failure to act, complicity or tolerance on the part of state officials in connection with the abductions and murders of women in Chihuahua state must be investigated and punished. Any state official suspected of committing serious human rights abuses such as torture or covering up abductions must be removed from his or her post pending the outcome of an impartial investigation.

- The federal, state and municipal must allocate sufficient resources to improving public safety in the state and preventing violence against women in the community, including by installing lighting and setting up security patrols.

- The Mexican State must ensure that the *maquilas* meet their legal obligations to their employees, with special emphasis on the physical, sexual and mental wellbeing of the female workers.

- The authorities must ensure that, in line with the UN Declaration on Human Rights Defenders, defenders of women's rights and relatives' associations who are working to put an end to violence against women can carry out their legitimate work without fear of reprisals and with the full cooperation of the authorities.

- The authorities must implement the international recommendations addressed to Mexico since 1998 by the Special Rapporteurs of the Inter-American Commission on Human Rights and the United Nations, as well as by the UN Committee on the Elimination of All Forms of Discrimination against Women, all of whom have studied the cases of the women from Ciudad Juárez and Chihuahua.

Failure to respond to crime reports: the case of Lilia Alejandra García

At 10.15pm on 19 February 2001, people living near waste ground close to a *maquila* in Ciudad Juárez dialed 060, the municipal police emergency number, to inform them that an apparently naked young woman was being beaten and raped by two men in a car. No patrol car was dispatched in response to the first call. Following a second call, a police unit was sent out but did not arrive until 11.25pm, too late to intervene. The car had already left.

Four days earlier, the mother of Lilia Alejandra García Andrade had reported her 17-year-old daughter missing to the *Unidad de Atención a Víctimas de Delitos Sexuales y Contra la Familia*, Unit for the Care of Victims of Sexual Offences and Offences against the Family. Lilia Alejandra, the mother of a baby and a three-year-old boy, worked in a *maquiladora* called *Servicios Plásticos y Ensamblés*. At 7.30pm on the previous night, her colleagues had seen her walking towards an unlit area of waste ground next to the factory. Lilia Alejandra used to cross it every day to catch the bus home. But that night she never reached her destination.

On 21 February the body of a young woman was found on the waste ground near to where the emergency call had been made. It was wrapped in a blanket and showed signs

of physical and sexual assault. The cause of death was found to be asphyxia resulting from strangulation. The body of the young woman was identified by the parents as being that of Lilia Alejandra. The forensic report concluded that she had died a day and a half earlier and that she had spent at least five days in captivity prior to her death. A report from the police switchboard taken at 11.05pm on 19 February simply states "nothing to report" ("*reporte sin novedad*"). The identity of the woman attacked that day was never established and no attempt was made to investigate whether there was any connection between that incident and the abduction of Lilia Alejandra or any other case. The authorities never investigated the lack of response on the part of the 060 Emergency Switchboard in Ciudad Juárez. There is still no lighting on the waste ground next to the *maquiladora*. A small cross commemorates the place where the body was found.

Despite the fact that crimes of this kind had been happening in Ciudad Juárez for eight years, the authorities had been unable to establish effective emergency response systems, which is particularly worrying in cases where an apparent abduction and rape have been reported. Worse still, the state authorities failed to review the mistakes made in this case and denied that there was any connection between the emergency call and the abduction and murder of Lilia. No disciplinary action has been reported.



Mother and daughter of Lilia Alejandra © AI

WHAT CAN YOU DO?

If you wish to campaign on behalf of *Lilia Alejandra García*:

► Write to the Mexican authorities and the Mexican Embassy in your country highlighting the following points:

→ expressing your deep concern at the fact that the state authorities did not respond effectively to the report that Lilia Alejandra was missing, denied any connection between the emergency call and the abduction and murder of Lilia Alejandra, did not launch disciplinary measures or take into account the mistakes made, and did not carry out a thorough and effective investigation so that those responsible could be brought to justice;

→ requesting the authorities to carry out an immediate review of its emergency response systems and to introduce effective measures for locating people who are reported missing, including installing telephones in marginalised communities which work 24 hours a day. Effective procedures must be established to locate women who have been abducted, such as, the carrying out of immediate searches with the help of relatives. Such searches must continue until the victim is found. The search must be supervised by a judge who must be able to count on the immediate collaboration of other judges, prosecutors and the police;

→ requesting the authorities to investigate the alleged negligence, tolerance, failure to act and complicity on the part of state officials in investigating the abduction and murder of the women in question. Such acts must be viewed as serious abuses of authority and those responsible must be brought to justice. Any official under investigation must be immediately suspended;

→ requesting the state to acknowledge its responsibility for the negligence shown in the investigation of the abduction and murder of Lilia Alejandra and its duty to provide reparations to the family, as well as to recognize the legitimate work being done by non-governmental organizations in their struggle for justice.

► Publicize this case in the local and national media of your country.

► Distribute details of this case to individuals or groups whom you think may be interested.

Appeals to:

President of Mexico:

Lic. Vicente Fox Quesada, Presidente de los Estados Unidos de México, Residencia Oficial de «Los Pinos», Col. San Miguel Chapultepec, México D.F., C.P. 11850, México. Fax:+ 52 5 2 77 23 76 Salutation: Dear President

Governor of Chihuahua State: Lic. Patricio Martínez, Gobernador del Estado de Chihuahua Aldama 901, Colonia Centro, Estado de Chihuahua, México. Fax:+ 52 614 429 3464, Salutation: Dear Governor

Chihuahua State Public Prosecutor: Lic. Jesús José Solís, Procurador General de Justicia del Estado de Chihuahua. Calle Vicente Guerrero 616, Col. Centro, Estado de Chihuahua, México. Fax:+ 52 614 415 0314 Salutation: Dear Sir

Copy to: Mexican Commission for the Defence and Promotion of Human Rights:

Comisión Mexicana de Defensa y Promoción de los Derechos Humanos A.C. (CMDPDH)

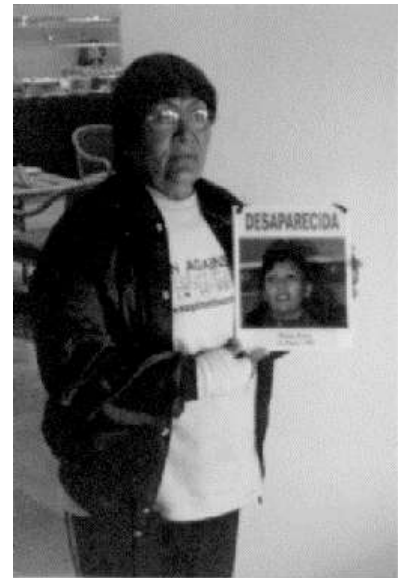
Tehuantepec 155, Col. Roma Sur, México DF, CP 5584 2731, México. E-mail: cmdpdh@laneta.apc.org

Bring Our Daughters Home: Nuestras Hijas de Regreso a Casam Calle 5 de Mayo, No. 859, Norte o No. 321, a 2 calles del Malecón, Colonia Hidalgo/Partido Romero, Ciudad Juárez, Estado de Chihuahua, México

Unjustified delays: the case of Silvia Arce and Griselda Mares

Silvia Arce and Griselda Mares went missing at 2.30 in the morning of 12 March 1998 after leaving their jobs at a night bar in Ciudad Juárez. Workmates last saw them with three men in a car which, thanks to eyewitness statements, was identified by the authorities in the course of the investigation. A week after Silvia and Griselda went missing, a complaint was lodged with the *Procuraduría General de Justicia de Chihuahua (PGJE)*, Office of the Chihuahua State Public Prosecutor, by Verónica Rivera who had been the victim of abduction and torture a few days before the two went missing. Verónica, who worked at the same bar as Silvia and Griselda, said that she had been kidnapped, tortured and released by her captors after being held for two days on 8 and 9 March. According to her testimony, one of her captors claimed to be a federal police officer from the Office of the Attorney General of the Republic (*Procuraduría General de la República, PGR*) and reportedly said that he would let her go on condition that she told no one about what had happened.

The Public Ministry and the four State Judicial Police officers officially assigned to the case carried out intense investigations and gathered several testimonies and other pieces of evidence that allowed them to corroborate the circumstances surrounding the method, time and place of Verónica's abduction. The vehicles and houses used were also identified and two men were identified as suspects in connection with the abduction of Silvia Arce and Griselda Mares. The Public Ministry also located the wife of the federal police officer from the PGR who had been identified by Verónica. The officials assigned to the investigation informed their superiors of the results which were confirmed in the case record.



Evangelina Arce, mother of Silvia Arce
© Private

On 6 April 1998 summonses were issued against the police officer from the PGR and another former police officer on suspicion of being responsible for the kidnapping of Verónica. After that, the investigations suddenly came to a halt. In five years there is no indication of further official steps having been taken to try to find out what happened to Silvia Arce and Griselda Mares or where they are. In March 2003 the authorities reported that the case had been reopened at the end of 2002 but that they had been unable to locate those believed to be responsible. In the investigation there is no documentary evidence of any legal steps having been taken to discover the whereabouts of the suspects. The only record found was an order for a civilian implicated in the case to be sought in Veracruz but there was no request for the federal police officer to be located. In the same month, Silvia's family and lawyers formally requested the Special Prosecutor's Office for the Investigation of the Murders of Women to issue summonses against all the individuals suspected of involvement in the case. At the time of publishing this report, Amnesty International is unaware of any new steps taken by the Special Prosecutor's Office.

WHAT CAN YOU DO?

If you would like to campaign on behalf of *Silvia Arce and Griselda Mares*:

► Write to the Mexican authorities and the Mexican Embassy in your country highlighting the following points:

→ expressing concern at the failure to provide an adequate response in the cases of Silvia Arce and Griselda Mares or take effective measures to locate them or improve mechanisms to identify those responsible as soon as possible;

→ expressing deep concern at the delays and the inability of the police to officially record all the information in the case file, follow up possible leads or take comprehensive statements from possible witnesses in order to clarify the circumstances surrounding the abduction of Silvia and Griselda;

→ expressing deep concern that the PGR has not investigated the possible involvement of the federal police office in the abduction of Silvia and Griselda;

→ urging the authorities to carry out an immediate and thorough investigation into the possible involvement of police officers from the PGR in the cases of Silvia and Griselda;

→ requesting the state to acknowledge its responsibility for the negligence demonstrated in the investigation of the cases of Silvia and Griselda and the pain caused to their families; to recognize their legal right to assist in the investigations; to receive appropriate reparations; and the legitimate work of the non-governmental organizations in their struggle for justice;

► Publicize this case in the local and national media in your country.

► Distribute details of the case to individuals or groups whom you think might be interested.

Appeals to:**President of Mexico:**

Lic. Vicente Fox Quesada, Presidente de los Estados Unidos de México
Residencia Oficial de «Los Pinos»
Col. San Miguel Chapultepec
México D.F., C.P. 11850, México
Fax: + 52 5 2 77 23 76
Salutation: Dear President

Attorney General of the Republic

General Rafael Marcial Macedo de la Concha
Procurador General de la República
Procuraduría General de la República
Reforma Norte esq. Violeta 75, Col. Guerrero
Delegación Cuauhtémoc, México D.F., C.P. 06300
Fax: (+525 55) 346 0983/ 0908 (*pedir tono de fax*)
Salutation: Dear Attorney General

Governor of Chihuahua State:

Lic. Patricio Martínez,
Gobernador del Estado de Chihuahua
Aldama 901, Colonia Centro
Estado de Chihuahua, México
Fax: + 52 614 429 3464
Salutation: Dear Governor

Chihuahua State Public Prosecutor:

Lic. Jesús José Solís,
Procurador General de Justicia del Estado de Chihuahua
Calle Vicente Guerrero 616
Col. Centro, Estado de Chihuahua, México
Fax: + 52 614 415 0314
Salutation: Dear Sir

Copy to:**Mexican Commission for the Defence and Promotion of**

Human Rights: Comisión Mexicana de Defensa y Promoción de los Derechos Humanos A.C. (CMDPDH),
Tehuantepec 155, Col. Roma Sur,
México DF, CP 5584 2731
E-mail: cmdpdh@laneta.apc.org

Justice for Our Daughters:

Justicia para Nuestras Hijas
Río Soto La Marina 8204,
Col. Alfredo Chávez,

Chihuahua, Estado de Chihuahua, México

Chihuahua Independent Human Rights Committee:

Comité Independiente de Chihuahua Pro-Defensa de Derechos Humanos (CICH)
Ecuador No. 526 Sur, Col. El Barreal, Ciudad Juárez,
Chihuahua, México

Contradictory forensic examinations: the bodies found in a former cotton field

“I said, I can’t take any more. Whether it’s my daughter or not, I want this body.” Benita Monarrez, mother of Laura Berenice

On 6 and 7 November 2001 the bodies of eight women were found in a former cotton field opposite the offices of the *Asociación de Maquiladoras de Ciudad Juárez (AMAC)*, Association of *Maquiladoras* for Ciudad Juárez, in the middle of the city. At first, the authorities announced that the remains were believed to be those of: Claudia Ivette González Banda, 20, a *maquila* worker; Laura Berenice Ramos Monarrez, 17, student; Guadalupe Luna de la Rosa, 19, a student at the *Instituto Técnico de Ciudad Juárez*, Ciudad Juárez Technical Collage, María de los Angeles Acosta Ramírez, 19, a *maquila* worker and student;



Place where the eight bodies were found © AI

Brenda Esmeralda Herrera Monreal, 15, domestic servant; Verónica Martínez Hernández, 19, a *maquila* worker and student; Bárbara Araceli Martínez Ramos, 21, maid; Mayra Juliana Reyes Solís, 17. However, to date, all the analyses and tests carried out by experts only concur with regard to the identity of one of them: Brenda Esmeralda Herrera. Anthropometric, craniometric and DNA analyses, have yielded contradictory results and raised many doubts.

The insistence of the local authorities on the validity of the results obtained from their own analyses despite the fact that they do not match those obtained by the federal laboratories belonging to the Office of the Attorney General of the Republic, has engendered further distrust among the relatives and violated the right of the victims to be identified. The failure to identify the bodies has prevented the families from undergoing the rituals associated with the death and burial of a loved one and brutally disrupted their grieving process. They have been unable to heal their wounds and are forced to live in constant pain which is reawakened every time they hear news that more bodies have been found.

Two days after the eight bodies were found in the cotton field, Víctor Javier García and Gustavo González Meza were arrested at their homes. The detainees alleged that they were subjected to torture and threats as a result of which, according to their statements, they were coerced into confessing to the eight murders. The allegations of torture were not investigated by the judge and the confessions were included as evidence in the legal proceedings against them. The relatives and lawyers of the two men have been subjected to a campaign of harassment and threats. On 5 February 2002, Mario Escobedo Anaya, the lawyer acting on behalf of Gustavo González Meza, was shot dead by the State Judicial Police. According to official reports, the police acted in self-defence because the lawyer fired first. However, this version of events is contradicted by witnesses who claim that Mario Escobedo Anaya did not shoot at the police. Meanwhile, in February 2003, Gustavo González Meza was found dead in his cell at Chihuahua Maximum Security Prison, in circumstances which have not been clarified, after he had undergone surgery.

WHAT CAN YOU DO?

If you wish to campaign on the case of the **eight women found in the cotton field**:

► Write to the Mexican authorities and the Mexican Embassy in your country highlighting the following points:

→ expressing deep concern at the contradictory and incorrect information provided by the forensic authorities to the families of the eight women whose remains were found in November 2001 and at the terrible emotional impact that this has had on the families;

→ stressing the need for the forensic services at both the state and federal level to be independent from the prosecuting authorities, for them to be given sufficient resources to carry out their work and for mechanisms to be set up to ensure that their work can be independently evaluated;

→ requesting that the forensic team receive specialist training to ensure compliance with international standards on forensic methodology and human rights, including the perspective of gender and human rights;

→ requesting the Public Ministry to ensure that the identity of victims is determined objectively and quickly. In the event that results are contradictory, examinations must be carried out again, with the consent of the families, by properly qualified external experts. Once the identity of the victim has been determined with certainty, the body or remains must be handed over to the families without delay;

→ urging the authorities to carry out an objective investigation into the allegations that the two men arrested in connection with the crimes in question were tortured, bring those responsible to justice and ensure that any evidence extracted as a result of torture or ill-treatment is not admitted into the trial proceedings;

→ requesting the authorities to guarantee the safety of the relatives and the lawyer of Víctor Javier García and Gustavo González Meza, in view of the persistent threats they have received, and that those responsible be brought to justice;

→ calling on the authorities to carry out a thorough and effective investigation into the death of Gustavo González Meza.

► Publicize this case in the local and national media in your country.

► Distribute details of this case to individuals or groups you think may be interested.

Appeals to:

President of Mexico: Lic. Vicente Fox Quesada, Presidente de los Estados Unidos de México, Residencia Oficial de «Los Pinos», Col. San Miguel Chapultepec, México D.F., C.P. 11850, México, Fax: + 52 5 2 77 23 76, Salutation: Dear President

Governor of Chihuahua State: Lic. Patricio Martínez, Gobernador del Estado de Chihuahua, Aldama 901, Colonia Centro, Estado de Chihuahua, México, Fax: + 52 614 429 3464, Salutation: Dear Governor

Chihuahua State Public Prosecutor: Lic. Jesús José Solís, Procurador General de Justicia del Estado de Chihuahua, Calle Vicente Guerrero 616, Col. Centro, Estado de Chihuahua, México, Fax: + 52 614 415 0314, Salutation: Dear Sir

Copy to: Mexican Commission for the Defence and Promotion of Human Rights:

Comisión Mexicana de Defensa y Promoción de los Derechos Humanos A.C. (CMDPDH), Tehuantepec 155, Col. Roma Sur México DF, CP 5584 2731, México, E-mail:cmdpdh@laneta.apc.org

Bring Our Daughters Home: Nuestras Hijas de Regreso a Casa, Calle 5 de Mayo, No. 859, Norte o No. 321, a 2 calles del Malecón, Colonia Hidalgo/Partido Romero, Ciudad Juárez, Estado de Chihuahua, México

Women's organization in Ciudad Juárez: Integración de Mujeres por Juárez

Bulevar Zaragoza 6939, Fraccionamiento Oasis Oriente, Ciudad Juárez, Estado de Chihuahua, México

Falsifying evidence: the case of Paloma Angélica Escobar Ledesma

On 3 March 2002 the mother of 16-year-old Paloma Angélica Escobar Ledesma, a worker at the Aerotec *maquila* in the city of Chihuahua, reported her daughter missing to the Preliminary Investigations Department, in Chihuahua. That same day, Commander Gloria Cobos Ximello, Head of the Sexual Offences Unit of the State Public Prosecutor's Office (PGJE) in Chihuahua was put in charge of the investigation.

Paloma had left her home at 3.15pm on 2 March and was seen that day at 3.30pm at the Ecco School. Her family's search to find her alive was in vain. On 29 March Paloma's body was found in bushes at Km 4 along the road that goes from Chihuahua to Aldama. According to the autopsy, she was wearing several undergarments, one of which, according to her relatives, did not belong to her. She had been dead for over 20 days and the only remaining evidence of the identity of her killer was the pubic hair found on her hands. On 30 March officers of the Judicial Police said they had found a photograph of the suspected assailant at the site where the body had



Norma Ledesma, mother of Paloma © AI

been found. That same day, on the basis of that evidence, Paloma's ex-boyfriend was arrested. Next day, two witnesses gave statements to representatives of the PGJE claiming that the same photograph had been handed over to Commander Gloria Cobos the day before, at her request, by a former girlfriend of the man in custody who did not know that it was going to be used for that purpose. According to a witness, the photograph, which had been in good condition when handed over, was found, one day later, to be dirty and creased.

As a result, that same day, 31 March, the PGJE gave orders for the man to be released and for an internal inquiry into the actions of the Commander in “planting” evidence. In April 2002, the Office of the Chihuahua State Public Prosecutor, suspended the Commander and opened an investigation on grounds of abuse of authority and making false accusations. The charge originally recorded in the case file was abuse of authority but an administrative judge is currently only pursuing the lesser charge of making false accusations. Following a year of persistent requests from the family, in January 2003 Commander Cobos appeared before the Preliminary Investigations Department. However, she refused to answer any questions relating to her conduct of the case.

With regard to the investigations, despite the fact that a week after Paloma went missing the Sexual Offences Unit had obtained a statement from a key witness regarding the identity of the possible culprits, it was only at the end of May 2002 that several official letters were issued calling for the suspects to be found. From the case dossier it appears that investigation of the individuals against whom, according to witnesses, evidence was strongest came to a halt. The men concerned left the city and the authorities claim that they lost trace of them. So far they have not been located in order to make new statements.

WHAT CAN YOU DO?

If you wish to campaign on behalf of *Paloma Escobar Ledesma*:

- ▶ Write to the Mexican authorities and the Mexican Embassy in your country highlighting the following points:
 - expressing deep concern at the way in which the evidence was falsified and the inability of the authorities to investigate the case and ensure that those responsible for the abduction and murder of Paloma Escobar Ledesma were brought to justice;
 - expressing deep concern at the delays and the inability to follow up possible leads and take comprehensive statements from possible witnesses in order to clarify the circumstances surrounding the death of Paloma;
 - requesting the authorities to investigate the alleged negligence, tolerance, failure to act and complicity on the part of state officials with regard to the abduction and murder of women. Such acts must be viewed as serious abuses of authority and those found to be responsible must be brought to justice. Any official under investigation must be immediately suspended;
 - requesting the state to acknowledge its responsibility for the lack of due diligence demonstrated in the investigation of the abduction and murder of Paloma Escobar Ledesma and the pain caused to her family, guarantee their safety and the right to assist in the investigations and ensure that they receive the reparations they are due to be awarded;
- ▶ Publicize this case in the local and national media in your country.
- ▶ Distribute details of this case to individuals or groups you think may be interested.

Appeals to:

President of Mexico:

Lic. Vicente Fox Quesada, Presidente de los Estados Unidos de México
Residencia Oficial de «Los Pinos»
Col. San Miguel Chapultepec
México D.F., C.P. 11850, México
Fax: + 52 5 2 77 23 76
Salutation: Dear President

Governor of Chihuahua State:

Lic. Patricio Martínez,
Gobernador del Estado de Chihuahua
Aldama 901, Colonia Centro
Estado de Chihuahua, México
Fax: + 52 614 429 3464
Salutation: Dear Governor

Chihuahua State Public Prosecutor:

Lic. Jesús José Solís,
Procurador General de Justicia del Estado de Chihuahua
Calle Vicente Guerrero 616

Col. Centro, Estado de Chihuahua, México
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Tehuantepec 155, Col. Roma Sur
México DF, CP 5584 2731, México
E-mail: cmdpdh@laneta.apc.org

Justice for Our Daughters:

Justicia para Nuestras Hijas
Río Soto La Marina 8204,
Col. Alfredo Chávez,
Chihuahua, Estado de Chihuahua, México
E-mail: gomezg@prodigy.net.mx

Criminal investigations refused: the cases of Rosalba, Julieta, Yesenia and Minerva

Rosalba Pizarro Ortega, aged 16, Julieta Marleng González Valenzuela, aged 17, Yesenia Concepción Vega Márquez, aged 16, and Minerva Torres Abeldaño, aged 18, went missing in the city of Chihuahua between February and March 2001. They did not know each other. What links them are the dates and circumstances of their cases and the fact that they were all teenagers from poor backgrounds, students, *maquila* workers or workers in the formal or informal economy. They are also linked by the fact that the investigations were headed by Commander Gloria Cobos of the State Judicial Police who, in April 2002, was accused of falsifying evidence in the case of the abduction and murder of Paloma Escobar Ledesma.

Many clues and testimonies would seem to establish links between the four cases and provide numerous leads to the identity of people who may know their whereabouts or have been responsible for what happened to them. However, so far, the four young women are still missing and the authorities have taken no action to capture those who were probably responsible. Despite the fact that the statement of one person who may have been involved in the abductions is believed to be untrue, further investigations into that person were never carried out.



Photographs of Yesenia, Minerva, Rosalba and Julieta published in the electronic bulletin published by the Office of the Chihuahua State Public Prosecutor. © privado

In January 2003, the mother of Rosalba, together with the mothers of Julieta Marleng and Minerva, filed a complaint for kidnapping with the Office of the Chihuahua State Public Prosecutor (PGJE). On 23 January the PGJE decided to reject the request and returned the case dossier to the unit which had been dealing with it up until then. That decision apparently shut off all legal channels through which the case could be brought before a serious crimes investigation unit, as should happen with the type of offences that the testimonies would seem to indicate. The lack of supervision by an independent judicial body of the initial investigation conducted by the PGJE seriously limits the ability of the family to effectively appeal the decisions of the PGJE.

WHAT CAN YOU DO?

If you wish to campaign on behalf of *Rosalba Pizarro Ortega, Julieta Marleng González Valenzuela, Yesenia Concepción Vega Márquez and Minerva Torres Abeldaño*:

► Write to the Mexican authorities and the Mexican Embassy in your country highlighting the following points:

→ expressing deep concern at the lack of effective response to the cases of the four young women and at the fact that the state has not taken effective measures to locate the missing women or improved the mechanisms set up to identify those responsible as soon as possible;

→ expressing deep concern at the delays and the inability to follow up possible leads or take comprehensive statements from possible witnesses in order to clarify the circumstances surrounding the cases of the four young women;

→ requesting the authorities to investigate the alleged negligence, tolerance, failure to act and complicity on the part of state officials in the abduction and murder of women. Such acts must be viewed as serious abuses of authority and those found responsible must be brought to justice. Any officer under investigation must be immediately suspended;

→ requesting the state to acknowledge its responsibility for the negligence demonstrated in the investigations of the cases of Rosalba Pizarro Ortega, Julieta Marleng González Valenzuela, Yesenia Concepción Vega Márquez and Minerva Torres Abeldaño, adequate reparations for the families and recognizes the legitimate work of non-governmental organizations in their struggle for justice;

► Publicize this case in the local and national media in your country.

► Distribute details of this case to individuals or groups whom you think may be interested.

Appeals to:

President of Mexico:

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Col. San Miguel Chapultepec
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Salutation: Dear President

Governor of Chihuahua State:

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