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Mexico: Urgent need for new direction and judicial reform

Key judicial reforms and a clear change of direction by the Mexican government are urgently needed to avert further worsening of an already critical human rights situation, according to a new report from Amnesty International.

The report, *Mexico: The Shadow of Impunity*, strongly criticises deficiencies in Mexico's judicial system in dealing with human rights cases, and points to a lack of political will as being at the root in not resolving the country's human rights crisis.

Torture, extrajudicial executions, "disappearances" and arbitrary detentions are widespread in Mexico. In the last five years, the situation has become particularly acute in the states of Chiapas, Oaxaca and Guerrero, affected by the conflict between the authorities and local armed opposition groups.

The report points to the Mexican army -- which continues to play a large role in law enforcement, anti-narcotic and counter-insurgency operations -- as being directly responsible for many of the abuses.

"In Guerrero and Oaxaca states the army has carried out security functions often with no police presence and without coordination with local civilian authorities. Suspects have been detained, held in secret detention and subjected to torture -- typically in order to extract confessions against suspected supporters of the armed opposition," Amnesty International said.

Mexican military courts, which invariably are in charge of the investigation of members of the army implicated in human rights violations, fail to meet the requirements of independence and impartiality and are used as a mechanism of impunity.

The increasing military presence in Chiapas in particular seems to be encouraging sectors close to the ruling Institutional Revolutionary Party -- local political leaders and landowners, for example -- to believe that they can also act with impunity.

This impression is being reinforced by the authorities' tolerant attitude to their possession of restricted weapons and to the activities of so-called paramilitary groups. It is in this context that the Acteal massacre in Chiapas was allowed to happen in December 1997.

"The emergence of paramilitary groups in the state of Chiapas is a particularly alarming feature of Mexico's human rights crisis," Amnesty International said. "The high degree of impunity enjoyed by these groups -- operating with the apparent collusion of the authorities -- is one of many symptoms pointing to a lack of true commitment by the authorities to protect human rights."

"The right of victims and their relatives to an effective remedy for human rights violations is not fully guaranteed by the Mexican legal system as it currently stands," Amnesty International says.

“When victims depend on duty defence lawyers who often fail to attend interrogations or judges who systematically fail to investigate accusations of torture -- and even accept confessions extracted as a result of it -- the chances of getting access to justice are virtually non-existent,” the organization argues.

Furthermore, lawyers representing human rights victims have their hands tied by a legal system that makes no provision to initiate a private prosecution of those allegedly responsible. This can only be done through proceedings brought by the federal or state Attorney General offices -- which are accused of employing police and other staff responsible for human rights violations.

Other government bodies like the national and state commissions of human rights juggle a dual role of defending victims of violations and deflecting criticism of the Mexican authorities.

Widespread attempts by the authorities to delegitimize the work of Mexican human rights groups, along with restrictions put on visits by international human rights observers puts in question the government’s stated commitment to implementing international standards.

The Amnesty International report concludes by welcoming measures taken by the Mexican government over recent years to improve human rights, but stresses the urgent need for putting into practice the recommendations issued by the UN Human Rights Committee, the UN Committee against Torture and the Inter-American Commission on Human Rights.

“The Mexican government should invite the UN Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers to visit the country,” Amnesty International recommended.

Inviting these human rights experts to visit Mexico would send a message to the international community of the authorities’ willingness to address these problems.

“That willingness is essential if the shadow of impunity is ever to disappear from Mexico,” Amnesty International concludes.

For further information or to request an interview, please phone Amnesty International’s Press Office on +44 171 413 5562. ISDN available.