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# MEXICO

## “Disappearances”: a black hole in the protection of human rights

### INTRODUCTION

Amnesty International has documented an increase in the number of cases of "disappearance" in Mexico reported to the organization over the last four years<sup>1</sup>. In most cases, there is strong, or even incontrovertible, evidence of official participation in carrying out "disappearances", yet those responsible continue to benefit from impunity. The organisation believes that unless immediate and active steps are adopted to halt this trend the Mexican government could be fuelling the return of widespread and systematic state-sponsored "disappearances" which beset the country during the 1970s and early 1980s when hundreds "disappeared" there.

Most of the latest "disappearances" reported to Amnesty International took place in the context of alleged counter-insurgency and anti-narcotics operations and victims include members of peasant organizations, indigenous people, students and teachers. In many cases, they "disappeared" following their witnessed detention by members of the armed and police forces. However, their detention is then repeatedly denied by the security forces and the Mexican Government. Following national and international campaigns on their behalf, some have reappeared weeks or months later bearing signs of torture. In a small number of cases, the bodies of the "disappeared" were subsequently recovered with evidence that they were extrajudicially executed.

Neither the victims nor their relatives appear to have any effective recourse before the law in Mexico for seeking redress for these gross human rights violations, particularly when the armed forces are involved. The military jurisdiction under which these cases invariably fall when there is suspected army involvement has continued to provide a blanket of impunity for the perpetrators.

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<sup>1</sup>A "disappearance" is defined by Amnesty International as occurring whenever "there is reason to believe that a person has been taken into custody by agents of the state, and the authorities deny that the victim is in custody, thus concealing his or her whereabouts and fate." See Amnesty International *"Disappearances" and Political Killings*, AI Index: ACT 33/01/94, February 1994, p.13.

In the great majority of cases, none of those responsible have been brought to justice. In Mexico, the crime of enforced or involuntary "disappearance", as defined in international human rights instruments, including the Inter-American Convention on the Forced Disappearance of Persons<sup>2</sup>, is not contemplated in the penal code; although this fact does not exonerate the Mexican government from investigating and punishing the Mexican penal category of abduction or illegal detention. However, the Attorney General Offices - in charge of criminal investigations - and the courts in Mexico have consistently failed to press charges against those responsible for "disappearances". Mexico has yet to sign and ratify the convention which entered into force on 28 March 1996.

During the United Nations (UN) World Conference on Human Rights (WCHR) held in Vienna in June 1993 the state parties, including Mexico, adopted The Vienna Declaration and Program of Action<sup>3</sup>. Regarding enforced "disappearances", states were reminded that it is their duty under all circumstances to investigate if there is reason to believe that an enforced "disappearance" has taken place in their territory and to prosecute suspected perpetrators<sup>4</sup>.

Amnesty International is therefore urging the Mexican government to stop "disappearances", clarify the fate of all those "disappeared" in the past, bring the perpetrators to justice and to provide appropriate reparation and compensation to the relatives of the "disappeared".

### **"DISAPPEARANCES" IN THE 1970s and 1980s**

For years, members of the Mexican security forces have benefitted from impunity in cases of human rights violations, including "disappearances". Amnesty International has, for over 20 years, been calling on the Mexican Government to resolve more than 400 cases of "disappeared" individuals, mostly dating from the 1970s and early 1980s, who continue to remain unaccounted for.

In scores of cases the abduction itself was witnessed by relatives, friends, neighbours or other persons who, in dozens of cases, managed to identify beyond reasonable doubt some of the officials responsible. In other cases the victims simply "disappeared" in circumstances which strongly suggested that they were detained by the security forces. Most cases under investigation

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<sup>2</sup>Article II of the Convention states that a "forced disappearance is considered to be the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees." Inter-American Convention on Forced Disappearance of Persons, OEA/SevP, AG/doc.3114/94rev.1, 8 June 1994.

<sup>3</sup>For further information on the Vienna Declaration, please refer to Amnesty International, "*Keeping the Spirit of Vienna Alive*": A Guide to the Vienna Declaration and Programme of Action, AI Index: IOR 52/01/96.

<sup>4</sup>See United Nations, *The Vienna Declaration and Program of Action*, A/CONF.157/23, paragraph 62.

by Amnesty International during the past years have remained unresolved, the victims have not been released or "reappeared", and those responsible have not been brought to justice.

The majority of "disappearances" reported in the 1970s took place in the southern state of Guerrero.<sup>5</sup> At this time, an armed opposition group, composed mostly of peasants and known as the *Partido de los Pobres*, the Party of the Poor, was active in the region. Joint counter-insurgency operations carried out by the Mexican army and police aimed at eliminating the *Partido de los Pobres*, led to widespread and systematic human rights violations, particularly in Guerrero, and it is believed that many individuals not connected with the party may have been arrested and subsequently "disappeared".<sup>6</sup>

In many other states, "disappearances" also occurred in the context of police and army intelligence operations against urban armed opposition groups, such as the *Liga Comunista 23 de Septiembre*, 23 September Communist League, which ceased to exist as a political force in the mid-1970s.

Many of the victims were abducted and taken to military barracks or camps which were used as clandestine detention centres, the authorities having denied that detainees were being held in them. For instance, testimonies from prisoners released in the early 1980s confirmed earlier reports that the *Campo Militar No. 1*, Military Camp No. 1, on the outskirts of Mexico City, had been used as a centre to hold political prisoners in unacknowledged detention. Prisoners held there were subjected to systematic torture during interrogation. Torture included beatings, electric shocks, prolonged suspension from the wrists, near-asphyxiation in foul water, mock executions and sleep and food deprivation. According to some torture survivors, health professionals participated in monitoring torture victims to ensure their survival and consciousness during torture. Reports indicated that the *Campo Militar No.1* was one of the operation bases of a secret police unit, known as the *Brigada Blanca*, White Brigade (sometimes known as *Brigada Jaguar*, Jaguar Brigade). The authorities have always been reluctant to acknowledge that the *Campo Militar No.1* was used for the purposes of clandestine detention, or that there was a specialized secret police unit known as *Brigada Blanca*, although press articles quoting official sources in the early 1980s named the *Brigada Blanca* as the Ninth Brigade of the *División de Investigaciones para la Prevención de la Delincuencia* (DIPD), Investigative Branch for the Prevention of Delinquency. In January 1983, the DIPD was dissolved by the incoming government of President Miguel de la Madrid Hurtado, as a result of the growing complaints of corruption and gross human rights violations committed by this police unit. However, DIPD agents were reported to have been transferred to other police units, such as the *Policía Judicial Federal* (PJF), Federal Judicial Police, and nobody was brought to justice for human rights violations.

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<sup>5</sup>The United Nations Working Group on Enforced or Involuntary Disappearances (WGEID) estimates that up to 98% of reported "disappearances" in Mexico during the 1970s and early 1980s, occurred in Guerrero. See United Nations document, E/CN.4/1997/34, page 43.

<sup>6</sup>See *Amnesty International's concerns in Mexico*, AI Index: AMR 41/13/86, July 1986.

In some states, military barracks were also used as clandestine detention centres. For example, the few who were later released following their "disappearance" have all confirmed the horrors of their ordeal, in many cases within military barracks, which the authorities had previously specifically denied. Minerva ARMENDÁRIZ PONCE<sup>7</sup> was 16 years old when she was abducted by members of the (now disbanded) *Dirección Federal de Seguridad Nacional*, DFSN, Federal Directorate of National Security, on 18 October 1973. She was taken from her house in the city of Chihuahua to the barracks of the *Quinta Zona Militar*, Fifth Military Zone, in the state of Chihuahua, with two other students. She was interrogated under duress about her political activism. Minerva Armendáriz was active in the student movement at the time and was accused of being a member of the *Movimiento Armado Revolucionario* (MAR), Revolutionary Armed Movement.

Minerva Armendáriz was tortured while being held in the barracks of the *Quinta Zona Militar*, Fifth Military Zone. During interrogation, she was shown photographs of people who had been seriously injured, reportedly as a result of torture, and was threatened that she would suffer a similar fate. She was later taken by plane to Mexico City by members of the DFSN and held in a clandestine detention centre for four weeks.

She was held in an overcrowded cell with 16 other women, whose whereabouts remain unknown to date. They were frequently made to stand naked and then showered with hoses while the guards looked on. All detainees were systematically tortured. Minerva Armendáriz has testified to an Amnesty International delegation that a number of doctors attended the torture sessions giving prisoners what was going to happen to them. Minerva Armendáriz was subjected to electric shocks, beaten and threatened. At the time, she was then pregnant.

Thanks to her mother's efforts, to student demonstrations and to international pressure demanding her release, she was released by the authorities before the press in November 1973. Despite the lack of compelling evidence, she was charged with *incitación a la rebelión*, "subversion, criminal association and incitement to rebellion", transferred to the *Centro de Detención Juvenil*, juvenile detention centre, and held there until the end of December 1973. She was then placed under the guardianship of the *Consejo Tutelar* every month until the age of 18. She was forbidden from returning to Chihuahua for five years.

Carlos David Ornelas Armendáriz, Minerva Armendáriz's son, was born on 18 July 1974 in Mexico City. He has had a number of health problems in the past years, believed by experts to be a consequence of the torture she suffered while pregnant.

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<sup>7</sup>See "Overcoming fear: human rights violations against women in Mexico", AI Index: AMR 41/09/96, March 1996.

None of those responsible for the torture and "disappearance" of Minerva Armendáriz have ever been brought to justice, nor have they not received any compensation for the suffering she was subjected to, nor any reparation for the damages caused.

Mario Álvaro CARTAGENA LÓPEZ, an active member of the *Liga Comunista 23 de Septiembre*, "disappeared" in Mexico City in April 1978. He had previously been imprisoned, threatened by government officials to force him to stop his political activities, and released. Mario Cartagena was abducted by the *Brigada Blanca*, after being shot seven times, and then transferred to the *Campo Militar No. 1*, where he remained, seriously wounded, suffering torture over a period of a week.

Mario Cartagena was transferred to a military hospital following an urgent campaign from Amnesty International and local non-governmental organisations. He was then imprisoned until 1982. His testimony, together with that of other released prisoners, helped to dissolve the *Brigada Blanca* in January 1983. As a consequence of torture and lack of medical treatment, gangrene set in, and his left leg had to be amputated.

However, to date no one has been brought to justice for the torture and "disappearance" of Mario Álvaro Cartagena López or the human rights violations committed by the *Brigada Blanca*.

### **Response to the human rights crisis of the 1970s in Mexico**

While the human rights crisis of the 1970s in Mexico remained mostly unknown to the outside world, a group of relatives of the "disappeared" in Monterrey, state of Nuevo León, led by Rosario Ibarra de Piedra, a mother of a "disappeared" person, challenged the Mexican government and, on 16 April 1977, created the *Comité Pro Defensa de Presos, Perseguidos, Desaparecidos y Exiliados Políticos* (the Persecuted, the Disappeared and Political Exiles), also known as the *Comité Eureka*, a non-governmental organisation in favour of the "disappeared".

The *Comité Eureka* soon became a national human rights organization: it carried out its first widely publicised demonstration in the cathedral in Mexico City, on 28 August 1978. The activities of the *Comité Eureka* led to a growth of public opinion and to increasing pressure on the authorities to provide an official explanation of the fate and whereabouts of the "disappeared".

Many of the families of the victims had presented well substantiated complaints, testimony and evidence, but authorities, that their relatives had been abducted by official security forces without receiving a satisfactory official

## **The Comité Eureka and the "disappeared"**

The *Comité Eureka* was formed in April 1977 during a meeting of delegates from organizations of relatives of the "disappeared" in Monterrey, state of Nuevo León. Although their full name is *Comité Pro Defensa de Presos, Perseguidos, Desaparecidos y Exiliados Políticos*, Committee for the Defence of Prisoners, the Persecuted, the Disappeared, and Political Exiles, it is commonly known as *Comité Eureka* in reference to their hope of finding their loved ones -- thus their use of the Greek word *Eureka*, meaning "I have discovered, I have found". The *Comité Eureka* is made up of relatives of the "disappeared" and some of those who have been released. Since its foundation of the Committee, the *Comité Eureka* has campaigned successfully for the release of 148 "disappeared" people.

Rosario Ibarra, President of the *Comité Eureka*, has a had a son "disappeared" since 1975. As well as being a tireless human rights defender, Rosario Ibarra served as a senator for the *Partido de la Revolución Democrática (PRD)*, Democratic Revolutionary Party, from 1994 to 1997. Rosario has also been very active in finding a peaceful solution to the conflict in the state of Chiapas.

Amnesty International and the *Comité Eureka* have continued to press for full and effective investigations into the whereabouts of all the "disappeared", for those responsible to be brought to justice and for full compensation for the relatives.

Over the years Amnesty International members have written thousands of letters to the Mexican authorities requesting information about "disappeared" persons in Mexico. The *Comité Eureka* has received more than 1,000 copies of these letters.

The *Comité Eureka's plantón*, which also included a hunger strike, was violently disrupted by the police public outcry leading to a general amnesty for a large number of political prisoners, granted by President López. Political prisoners were released. However, it did not benefit most of those who were "disappeared". In January 1990, the Attorney General of the Republic, gave a press conference addressing the issue of the "disappeared". He stated that the authorities had received complaints of their "disappearance" included 154 who had been killed by the police or army, 58 who were in hiding and a further 58 who had died as a consequence of guerrilla infighting. However, this statistics did not include specific names nor presented to distraught relatives. In most cases the relatives were deeply dissatisfied with the official versions and contradictions between official versions of events and the facts already known to them through witnesses and inquiries.

Ten years later, in the late 1980s, the Mexican authorities purported to undertake concerted steps to address the human rights violations committed by the security forces. In 1989 the government established the General Human Rights Directorate with executive authority. Following growing international concern about Mexico's human rights record, and weeks before the governments of the United States of America and Canada for a free trade agreement, this office was replaced by the *Derechos Humanos (CNDH)*, National Human Rights Commission. The CNDH was created by presidential decree as an executive.

At the CNDH's inaugural ceremony on 6 June 1990, President Carlos Salinas de Gortari proclaimed: "The primary responsibility of the government of the Republic is to defend human rights and punish those who violate them; it is to end once and for all the practice of disappearances."

In 1992, after much public pressure for greater independence, the CNDH was given constitutional status and also set up at state level. The CNDH's main function is to receive and investigate complaints of human rights violations and make recommendations based on its findings to the relevant authorities.<sup>8</sup>

<sup>8</sup> See the *Ley de la Comisión Nacional de Derechos Humanos*, Law of the National Human Rights Commission, article 6, chapter III (29 June 1992).



Despite the fact that many "disappearance" cases are more than 20 years old, Amnesty International continues to demand the fate of all "disappeared" prisoners in Mexico. The following are just a handful of cases for which Amnesty International has continued to demand full and impartial investigations to clarify the whereabouts of the victims and put an end to impunity.

Carlos ALEMÁN VELÁZQUEZ, an 18-year-old student at the *Instituto Tecnológico Regional de Culiacán*, Regional Technological Institute of Culiacán, was detained on 26 August 1977 in Culiacán, state of Sinaloa. He was violently forced off a bus by members of the PJE and into a truck guarded by heavily-armed men. He was later handed over to members of the *Brigada Blanca*. There are notarized testimonies which indicate that he was seen alive in the *Campo Militar No. 1* in Mexico City, in 1978.

Following requests for information from Amnesty International and his family, the Mexican authorities revealed that Carlos Alemán was a member of the *Liga Comunista 23 de Septiembre* and had participated in an armed clash with the security forces in Culiacán that he had escaped and was in hiding. Despite repeated attempts to establish the whereabouts of Carlos Alemán, they have shed any further light on his fate and his whereabouts remain unknown to date. The relatives have received no information.

Víctor PINEDA HENESTROSA was abducted at about 10 am on 11 July 1978. He was stopped in his car on the highway north of Oaxaca, and abducted by five armed soldiers who dragged him into another vehicle. There were more than 100

military members, some of them from Juchitán. Until two years before his abduction he had held the post of director of agrarian development. Following his helping of local peasants with their land claims, Víctor Pineda Henestrosa became a respected and well-known figure, organized protests to demand his release, including a hunger strike opposite the state capital. In September 1979 a statement was made by his wife, Cándida Santiago Jiménez, a teacher and COCEI activist, and other members of the Worker-Peasant-Student Coalition of the Isthmus.

Víctor Pineda's family presented several formal complaints, immediately after his abduction, to the local *Procuraduría General de Justicia del Estado* (PGE), State Attorney General's Office. The people of Juchitán, including a respected and well-known figure, organized protests to demand his release, including a hunger strike opposite the state capital. In September 1979 a statement was made by his wife, Cándida Santiago Jiménez, a teacher and COCEI activist, and other members of the Worker-Peasant-Student Coalition of the Isthmus.

the PGE, describing Víctor Pineda's abduction. Members of the Eleventh Mexican army battalion, stationed near the site, were interviewed. In his abduction: eyewitnesses have named a Second Sergeant from the Eleventh Battalion as being among the army members who were present.

In 1992 the Oaxaca State Attorney General informed Amnesty International that the criminal investigation into the disappearance of Víctor Pineda Henestrosa was continuing, with the help of the CNDH. In October 1994 the CNDH told Amnesty International that the body had been identified and tried to close the case. The CNDH claimed that they had been recovered from inside a burnt car.

In its report, the CNDH also claimed that the car had "exploded" in an accident and that there was no evidence of a crime. The CNDH's conclusions, which contradicted previous official reports, were presented to the relatives of Víctor Pineda. The relatives refused and requested a DNA test to be carried out on the body, which was not supported by any documentary evidence. The relatives refused and requested a DNA test to be carried out on the body.

In April 1997, almost 20 years since Víctor Pineda was reputed to have been "disappeared", his children were contacted by the CNDH to have the test done and were assured by CNDH personnel that the results would be sent in 1998 they were still waiting. In the meeting held between Amnesty International and Mireille Roccatti, she concluded. Irma Pineda told Amnesty International in August 1997:

*“Es desesperante no saber qué pasó, qué está pasando y qué pasará con mi papá.”*

“We are in despair not knowing what happened, what is happening and what will happen.”

Despite substantial evidence linking officers of the Mexican army to Víctor Pineda's "disappearance", no justice. In March 1997, Cándida Santiago Jiménez, the *Regidora de Educación del Ayuntamiento* in the municipality of Juchitán for the *Movimiento Magisterial de Derechos Humanos*, a small teachers' union, presented the case of Víctor Pineda to the *Derechos Humanos*, Inter-American Commission on Human Rights (IACHR).

José Ramón GARCÍA GÓMEZ, leader of the *Partido Revolucionario de los Trabajadores* (PRT), Wicame, Morelos, was abducted by members of the PJE near Cuautla, state of Morelos, on 16 December 1988. According to judicial police intercepted José Ramón García's car and bundled him into the police vehicle. The following day he was taken before the local public ministry.

José Ramón García had been previously threatened by local government officials and members of the police and election campaigning. The PRT office in Cuernavaca, state of Morelos, had also been raided on 6 July 1988, just a few days before the general elections.

State authorities in Morelos purportedly began an investigation into his whereabouts in January 1989 and two *fiscales especiales* (special attorneys) were assigned to the case between 1989 and 1990. In October 1990, the case was temporarily shelved by the special attorney in charge of the investigations. However, in January 1991, the CNDH issued Recommendation 5/91 to the Morelos State Governor, requesting that the file on José Ramón García be reopened and lines of inquiry be pursued. The CNDH issued a second recommendation, No. 7/92, in January 1992, again to the state governor, requesting that several senior officials of the PJE be prosecuted for the "disappearance" of José Ramón García.

Between January and February 1992, following growing national and international pressure on the Mexican government, members of the PJE, as well as a police chief, were detained in connection with the "disappearance" of José Ramón García. In bringing those responsible to justice, Amnesty International expressed deep concern about the nature of the investigation.

<sup>10</sup> The *Regidora de Educación del Ayuntamiento* is a municipal post responsible for educational aspects in the municipality of Juchitán.

confessions: at least one of the detainees presented signs that he had been tortured in detention whilst the former denied the "disappearance" of José Ramón García, has remained at large.

Amnesty International continues to demand that the whereabouts of José Ramón García be made public and that the ordering of his abduction and "disappearance" be brought to trial.

María Teresa GUTIÉRREZ HERNÁNDEZ, a teacher, was abducted by members of the Mexican security forces.

She was a teacher at the *Preparatoria Popular Tacuba*, one of the 30 or so "people's schools" which had been established in the late 1960s as a response to the shortage of post-secondary educational institutions<sup>11</sup>. They were run by volunteers and had a significant role in administration and policy decision-making. Most of the students at the *Preparatoria Popular Tacuba*, in northern Mexico, were from the middle and lower classes, including students from the urban and rural areas, and manual workers.

This *Preparatoria* in particular was known as the centre of left-wing political activism and was targeted by the government. Between 1978 and 1983, at least 16 students and teachers from the *Preparatoria Popular Tacuba* were abducted by members of the security forces.

Testimonies from former members of the *Liga Comunista 23 de Septiembre*, state that María Teresa Gutiérrez was abducted during the late 1970s. Reports indicate that the leadership of the *Liga Comunista 23 de Septiembre* was the target of "disappearance", torture and extrajudicial executions, by members of the security forces (and in particular by the *Batallón de Inteligencia 601*). María Teresa Gutiérrez's family had been repeatedly questioned by police agents since 1978 and had been reported to by members of the security forces looking for her.

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<sup>11</sup>*Preparatorias* in Mexico are for students who have completed their secondary education and who wish to continue into higher education.

Mexican authorities have consistently denied that she was ever in detention, despite the accounts of witnesses which indicate that she had been held in several clandestine centres in Mexico City, following her abduction. Information about the clandestine *Brigada Blanca* were never seriously investigated by the appropriate agencies, including the PJE. Elvira Hernández Angeles, has continued to search for her "disappeared" daughter despite denials by the authorities.

On 8 March 1976, José de CORRAL GARCÍA, a professor at the *Universidad de Sonora*, Sonora University, was arrested by the PJE, who accused him of planning a bank robbery. The arrest was reported in the newspaper *Novedades* given a different name. He is reported to have received medical attention at the *Hospital del Sagrado Corazón* with torture during the abduction, before being taken to the headquarters of the PJE.

On 9 March 1976, he was transferred to Mexico City and presented to the press by a high ranking official of the PJE to the *Campo Militar No. 1*.

José de Jesús Corral, originally from Chihuahua, was suspected by the authorities to be a leader of the *Liga Comunista 23 de Septiembre* at the time of his arrest. In 1980, the then Attorney General of the Republic, stated that José de Jesús Corral had deserted from the PJE and was in hiding. Testimonies from former political prisoners given to members of the Corral García family in the 1980s stated that Corral had been seen in a number of clandestine detention centres in Mexico City and Chihuahua. Investigations by the CNDH into this case have failed to shed any light on his whereabouts. Two of his brothers, Salvador and Luis Miguel Corral García, were killed by police in suspicious circumstances in 1972 and 1977 respectively.

José de Jesús Corral García remains "disappeared". His family has never been given access to the documentation which would support the government's claims that he was in hiding following his alleged desertion from the *Liga Comunista 23 de Septiembre*, nor given a satisfactory explanation as to his whereabouts. The Mexican Government continues to deny any knowledge of his fate.

On 18 April 1975, Jesús PIEDRA IBARRA, a medical student and member of the *Liga Comunista 23 de Septiembre*, was abducted by members of the PJE in a street abduction which took place in front of several witnesses who saw him struggling to avoid being forced into a vehicle. He was taken to the *Campo Militar No. 1*.

At the end of 1978 a member of the PJE visited Rosario Ibarra de Piedra, mother of Jesús Piedra Ibarra, a man in detention in a military barrack in Torreón, state of Coahuila. However, attempts to corroborate this information have not been given a satisfactory explanation as to his whereabouts. Rosario Ibarra has continued to search for her "disappeared" son. The Government of any information regarding his fate.

Over the years, Amnesty International has conveyed its concerns on more than 300 cases of "disappearances". In these cases were also presented to the UN WGEID.

In a statement to the 1986 session of the UN Commission on Human Rights, the WGEID affirmed that "the Government informs it *where* the missing person is, whether that person is alive or dead; and this in a manner which makes it possible for such information by the families can be reasonably expected."

During the 1980s, Amnesty International repeatedly asked the Mexican authorities to provide documentation that a "disappeared" prisoner had been killed during a confrontation or in some other manner (the usual explanation given in the 1980s). It also asked that relatives of the victims be allowed access to the results of investigations opened pending resolution was Amnesty International or the relatives of the victim given this information.

In its 1997 report to the UN Commission on Human Rights, the WGEID stressed the need "for more effective measures" which occurred in the 1970s and reminds the Government of Mexico of its continuing commitment to 'impartially' (art.13) 'for as long as the fate of the victim of enforced disappearance remains unclarified' (para. 6)". To be reported, the WGEID urged the Mexican authorities to take "effective legislative, administrative, judicial or other measures to prevent and punish acts of enforced disappearance."<sup>12</sup> However, the Mexican Government has so far failed to respond to grow

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<sup>12</sup> See UN document, E/CN.4/1997.34, p. 44.

"disappearance" cases, as well as from national and international bodies, for a clarification of the whereabouts of those responsible.

## "DISAPPEARANCES" IN THE 1990s

During the 1990s, following the widespread public outcry which followed the "disappearance" of José Ríos Montt, there were reports of new "disappearances" in Mexico. Between 1990 and 1993, Amnesty International received less than 100 "disappearances", even though other types of gross human rights violations, particularly systematic torture and rape, were reported on a wide scale. Amnesty International noted the decrease in new cases of "disappearances" and called for an end to other gross human rights violations in the country.

However, since 1994 there has been an alarming increase in the number of new cases of "disappearances". Most of the victims were clearly targeted for their peaceful political or grassroots activism. Most of the cases have occurred in the southern states of Chiapas, Guerrero and Oaxaca, claiming to be carrying out counter-insurgency activities, especially in the southern states of Chiapas, Guerrero and Oaxaca, which emerged in 1994 and 1996 respectively. Others have been reported in the context of anti-narcotics operations in the northern states of Sinaloa and Chihuahua.

### The role of the Mexican army

With the experience of the armed opposition group *Ejército Zapatista de Liberación Nacional* (EZLN) in Chiapas, in January 1994 and June 1996 respectively, the role of the armed forces in Mexico has been increasingly transformed from the protection of national security to one more closely involved with the control of internal security. A development which has led to the recruitment of military personnel into the offices of both the PGR and the PGE. By the end of December 1997 military personnel were in 25 out of the 32 PGEs. Mexican non-governmental human rights organisations have increasingly voiced their concern over internal security, stating that the participation of the military has had grave consequences for the human rights of Mexico.

The armed forces in Mexico have reportedly begun to redefine their short and medium term objectives to include the formation of small and specialised units for greater mobility and precision in their tasks; the improvement of the military intelligence system in each military region, especially in the states of Chiapas, Guerrero and Oaxaca, with specialised equipment; and the provision of "public security". The provision of training and the acquisition of new and more sophisticated equipment by Mexico's armed forces programmes is also contributing to a policy which appears to undermine the protection of human rights<sup>14</sup>.

Recent changes in legislation have institutionalised the participation of the armed forces in public security. The *Bases de Coordinación del Sistema Nacional de Seguridad Pública*, General Law Establishing the Bases for the National System of Public Security, came into effect on 11 December 1995. It allows for the coordination of police and army operations under the supervision of a *Secretario Ejecutivo*, Executive Secretary. Since then, most heads of police corporations in Mexico have been military officers. Yet according to Article 129 of the Mexican Constitution:

<sup>13</sup>See briefing paper *Human Rights Violations in Mexico*, May 1997, Centro de Derechos Humanos Miguel Agustín Juárez, AC.

<sup>14</sup>See Eric Olson, *Issues in International Drug Policy - The evolving role of Mexico's Military in Public Security and Anti-narcotic Programs*, Washington Office on Latin America, May 1996.

*"En tiempos de paz, ninguna autoridad militar puede ejercer más funciones que las que tienen en su disciplina militar..."*

"In times of peace, no military authority is allowed to carry out more functions than those linked to its discipline."

Despite constitutional restrictions barring the armed forces from arresting civilians<sup>15</sup>, in March 1996, the Supreme Court of Justice, ruled that the armed forces could take part in public security operations, including carrying out arrests, if they need to do so, adding that the ultimate responsibility for such actions lay with the President.

In October 1996, the *Ley Federal Contra la Delincuencia Organizada*, Federal Law Against Organized Crime, among other things, gives security forces greater powers to detain suspects and to intercept telephone lines (with those allegedly involved in activities relating to offences such as drugs and arms trafficking, terrorism, money laundering, illegal aliens, children and human organs, and vehicle robbery. In its preamble, the proposed bill established that, where necessary, it was necessary to:

*"considerar ciertas excepciones... a la aplicación general de algunas de las garantías individuales establecidas en la Constitución]."*

"consider exceptions... to the general application of certain individual guarantees [set out in the Constitution]."

Consequently, Congress also approved the reform of several constitutional articles to allow for these changes and the intervention of the armed forces in public security matters<sup>16</sup>.

Mexican non-governmental human rights organizations have criticized the new legislation designed to combat organized crime as dangerous for the rule of law in Mexico. In their view, the extended powers of the armed forces and the intervention of the armed forces in the political affairs of the country.

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<sup>15</sup>The armed forces may only carry out arrests on civilians in times when constitutional guarantees are suspended with the approval of Congress, a situation which has not occurred in recent history in Mexico.

<sup>16</sup>At that time, the ruling *Partido Revolucionario Institucional* (PRI), Institutional Revolutionary Party, held a majority in Congress. Since then, mid-term congressional elections held in July 1997 ended more than 60 years of the PRI's absolute majority rule in the Chamber of Deputies.



During high-level talks held with the Mexican Government in November 1995, Amnesty International expressed its concern that members of the army, accused of perpetrating human rights violations, had systematically benefitted from impunity. Therefore, to give the armed forces powers to arrest and interrogate, would not only infringe Constitutional norms, but risked increases including "disappearances", by the armed forces, contrary to the Mexican Government's purported intentions to authorities dismissed Amnesty International's concerns as "unfounded". Unfortunately, recent developments such have proved such concerns to be correct, and have made the need for effective measures to stop human rights viola

In a high level visit to Mexico in September 1997, the Secretary General of Amnesty International militarization of a number of regions in Mexico had effectively led to a human rights crisis, including a dramatic "disappearance" and other serious human rights violations by members of the Mexican army, and that imp International urged the Mexican government to implement its recommendations, which were included in a me presented to him in France in October 1997.<sup>20</sup>

### **"Disappearances" and other human rights violations in the context of counter-insurgency operations**

#### "Disappearances" in Chiapas State:

On 1st January 1994, the mostly indigenous armed opposition group *Ejército Zapatista de Liberación Nacional* Army, launched its campaign by taking control of a number of municipalities in Chiapas. By the following week sent to the region had regained control of most of the towns occupied by the EZLN. In these first weeks of the co died, including civilians, as well as soldiers and rebels, in the context of the armed confrontations which ensu torture and dozens of Indian peasant activists were extrajudicially executed by the Mexican army during its "disappeared".

For example, in the early morning of 7 January 1994 scores of Mexican troops arrived at the mostly Altamirano, in the state of Chiapas. Sebastián SANTIS LÓPEZ (65), Severiano SANTIS GÓMEZ (60), and Her indigenous peasant leaders, were taken inside the church where they were tortured. Men who were in the village some later saw them being forced into a military ambulance. At least one of the men appeared to be bleeding profusely from the head and witnesses indicated that he had cuts on his face and ears. One of the m arm had been broken. The three remained "disappeared" until 10 February 1994 when their bodies, bearing si executions, were discovered near Morelia.

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<sup>19</sup>See *Amnesty International's concerns regarding torture and ill-treatment in Mexico*, AI Index: AMR 41/17/97, April 1997.

<sup>20</sup> A similar memorandum was presented to the presidents of the Supreme Court of Justice and of the Chamber of Deputies during the September visit.

Following the discovery of the victims' remains, local human rights monitors and the relatives called on the authorities to identify the remains and to establish the cause and manner of death. The Mexican army tried to prevent the investigations and on 12 February 1997, the remains, which were under custody of the local public ministry of Altamirano, were covered for several hours. Based on a parallel investigation carried out under military jurisdiction, the Mexican army claimed a mixture of non-human bones and old human skeletal fragments.

Independent and qualified forensic experts established, beyond reasonable doubt, that the remains discovered in fact, belong to the three men who had "disappeared". Their identity was confirmed using DNA testing. A series of multiple blows within the three months prior to the finding of the remains. Despite conclusive evidence to the contrary,

deny responsibility for the killings.<sup>21</sup> In June 1997, following a series of recommendations by the IACHR to the authorities agreed to reopen the case. However, they have so far failed to bring those responsible to justice.

Also, fourteen Tzeltal indigenous peasants from Chiapas remain "disappeared" following their abduction operations in the region in January 1994. Their names are: Juan MENDOZA LORENZO and Eliseo PÉREZ SAN MÉNDEZ SÁNCHEZ, from Ejido La Garrucha; Vicente LÓPEZ HERNÁNDEZ, Manuel SÁNCHEZ GONZÁLEZ, PÉREZ JIMÉNEZ, Nicolás CORTEZ HERNÁNDEZ, all from Ejido Patihuitz; Alejandro SÁNCHEZ LÓPEZ HERNÁNDEZ, Marcos GUZMÁN PÉREZ, Diego AGUILAR HERNÁNDEZ, Fernando RUIZ GUZMÁN and Prado, Ocosingo. The Mexican authorities have consistently failed to provide information on the whereabouts of "disappeared".

Following an outcry from national and international observers about extensive human rights violations by the army, the government announced a cease-fire to begin peace talks with the rebels. An effective cease-fire lasted until 9 February 1995 when a new leader was ordered by President Ernesto Zedillo Ponce de León. The army again carried out widespread arrests and denied free access to the region of journalists, human rights monitors and humanitarian medical aid workers. The report caused a public outcry in Mexico and abroad.

On 14 February 1995 President Zedillo halted the operations, although the army retained an extensive presence in the region. The EZLN continued until the end of 1996, when the lack of implementation by the Mexican government of peace talks. However, by the end of February 1998, no further armed confrontations between the Mexican army and the EZLN.

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<sup>21</sup>See *Human rights violations in Mexico: The challenge of the nineties*, AI Index: AMR 41/21/95, November 1995, pp. 29-32.

Nevertheless, since 1994, Amnesty International has been documenting the increasing activities of paramilitaries who have received training by army units, and all acting with the acquiescence of the local authorities. Gross human rights violations and executions have been increasingly carried out by these groups and Amnesty International fears that unless the perpetrators brought to justice, they may become involved in carrying out "disappearances" as well<sup>22</sup>.

"Disappearances" in Guerrero and Oaxaca States:

In the state of Guerrero, peaceful social dissent about the persistent violation of economic and social rights has been met with increasing state-sponsored human rights violations.

For example, on 28 June 1995, 17 peasants were extrajudicially killed and 19 injured by the PJE in a massacre. The victims were among a large group of unarmed peasants, including women and children, who were travelling from Acapulco, state of Guerrero, to participate in a demonstration to demand information as to the whereabouts of 100 people who had "disappeared" in that town on 24 May 1995 (see below). Many of the victims belonged to the *Organización Campesina* (OCSS), Southern Sierra Peasant Organization, a peasants' rights organization in Guerrero of which Gilberto Rivas was a member. Members of the police and state government officials who were following orders from the highest state authority, shot and killed the victims for some 15 minutes. According to reports later confirmed by local authorities, Guerrero State Governor, ordered security forces to quell the demonstration in Atoyac de Alvarez, using violent means if necessary. It later emerged that the advance and that members of the state government were even present to film scenes of the killing. The film was evidence of the initial claims from the state authorities that the peasants had been killed during an exchange of gunfire with the security forces. The original and unedited footage of the film, which clearly shows the peasants to be unarmed when they were massacred, created a scandal in Mexico in early 1996, when it was broadcast on national television.

The massacre led to widespread calls on the Mexican Government for an immediate and effective investigation and to bring the perpetrators to justice. In July 1995, ten members of the PJE, including two commanders, were remanded in custody under charges of manslaughter. However, high government officials have benefitted from impunity. Following the broadcast of unedited footage of the massacre, Rubén Figueroa Alcócer was provisionally removed from his post in March 1996, pending a ruling by the Court of Justice into his alleged involvement in the massacre. Despite compelling evidence about his involvement, he has not been formally charged with responsibility for the killings.

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<sup>22</sup>For example, on 22 December 1997, 45 Tzotzil Indians were massacred in the village of Acteal, municipality of Chenalhó, state of Chiapas, by paramilitary groups reportedly linked to the authorities. The victims had previously fled paramilitary violence in other communities of Chenalhó, including the burning and looting of houses (see UA 373/97, AMR 41/111/97, 27 November 1997). At the time of writing more than 50 people had been charged in connection with the massacre, including the mayor of Chenalhó as well as the local police commander. However, after the Acteal massacre Amnesty International continued to receive reports of paramilitary activity in the region.

After the massacre in 1995, hundreds of police officers arrived in the region and, during the following weeks, there were reports of threats and intimidation and human rights violations directed against local peasant activists by the army. Several OCSS leaders had to go into hiding for fear of their lives and at least two were killed by paramilitaries.<sup>23</sup>

The unabated violations of social and economic rights, coupled with a lack of effective recourse before the courts, and the human rights violations in Guerrero, have reportedly fuelled the emergence of armed opposition and a further increase in political violence. When relatives of those killed in Aguas Blancas and members of the OCSS returned to the site of the massacre on the 10th anniversary of the massacre, a previously unknown armed opposition group called the *Ejército Popular Revolucionario* staged an appearance to announce its plan of action, including revenge for human rights violations by the security forces. The group clashed with members of the Mexican security forces on several occasions, mostly in the states of Guerrero and Nayarit.

Massive army and police counter-insurgency operations have been carried out since July 1996 in the states of Guerrero and Oaxaca. Hundreds of peasant activists have been detained, tortured and, in some cases, "disappeared". The Mexican army and state police, issuing more than 100 arrest warrants, detaining scores of activists, including some of the OCSS leaders, and extracting statements (other than statements extracted under torture) linking the peasant organisation to the EPR. Amnesty International has documented short-term "disappearances" of peasants, tortured to confess any link with the EPR. In most cases, they were detained by state police, or by unidentified armed men believed to belong to the army, and held in clandestine detention centres. They were tortured and released free of charge days later, usually following national and international campaigns of protest.

Since 1996, Amnesty International has documented dozens of cases of short-term "disappearances" of peasants, mostly by both members of the Mexican army and state judicial police agents, mostly in Guerrero and Oaxaca. In all cases, the time that they remained "disappeared".

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<sup>23</sup>See *Human rights violations in Mexico: A challenge for the nineties*, AI Index: AMR 41/21/95, November 1995.

For example, Manuel RAMÍREZ SANTIAGO and Fermín OSEGUERA SANTIAGO<sup>24</sup>, chairpersons of *Derechos del Pueblo*, a civil rights organization, and the *Unión de Tablajeros A.C.*, a local workers union, were detained in the town of Tlaxiaco, state of Oaxaca. Several witnesses identified the perpetrators as members of the PJE. They were released in 1996 when they were released near the Nochixtlan district of Oaxaca state with their hands tied. Both activists were held in a detention centre, believed to be located in military barracks. The torture included beatings, electric shocks and interrogations concerning the activities of the EPR, suggesting that the abductors were members of the Mexican counter-insurgency intelligence operation.

Felipe SÁNCHEZ ROJAS<sup>25</sup>, president of the *Centro de Desarrollo Regional Indígena*, (CEDRI), Indigenous non-governmental development organisation in Oaxaca, was detained by members of the security forces on 29 October 1996. At 10 pm Felipe Sánchez Rojas returned with a colleague to the CEDRI's offices in Oaxaca, the capital of the state. On the day, an unidentified man had visited the office looking for him, and was waiting outside. When Felipe Sánchez Rojas returned, he was taken by him and two other men and forced at gunpoint into a vehicle without number plates. Felipe Sánchez Rojas had previously been under surveillance by unidentified individuals and members of the Mexican army. He reappeared on 2 November 1996. During his "disappearance" he had been interrogated and tortured, including blows to the ears and other parts of the body. Witnesses identified as members of the security forces, tried to implicate him in an attack by the EPR in the town of Tlaxiaco in 1996. He reported that while being tortured his captors also threatened other human rights defenders known to him.

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<sup>24</sup>See Urgent Action 252/96, AI Index: AMR 41/68/96, 1 November 1996, and follow-up AI Index: AMR 41/77/96, 19 November 1996.

<sup>25</sup> See Urgent Action 249/96, AI Index: AMR 41/67/97, 30 October 1996, and follow-up, AI Index: AMR 41/78/97, 19 November 1996.

On 28 May 1997 Martín BARRIENTOS CORTÉS<sup>26</sup> (18), a peasant activist, was abducted near his community by members of the Mexican army and then transferred to an unknown location by helicopter, reportedly belonging to the 1st Airborne Infantry Battalion, on 30 May 1997, having been tortured; this included being beaten, given electric shocks to his thorax and semi-asphyxiated by the EPR.<sup>27</sup> Like most victims, he presented complaints to the local authorities, including the CNDH, but they failed to address his injuries after he was examined by a CNDH forensic doctor on 13 June. Following a public outcry, the CNDH determined that Martín Barrientos Cortés had in fact been tortured while he remained "disappeared". However, at the time of his disappearance, he was not brought to justice, nor suspended from service, and the victim and his family have had to flee their community and file complaints against the Mexican army.

In some cases, individuals who suffered short-term "disappearances" in the context of counter-insurgency operations were found dead in circumstances indicating that they had been the victims of extrajudicial executions.

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<sup>26</sup> See Urgent Action 157/97, AI Index: AMR 41/35/97, 30 May 1997, follow-up, AI Index: AMR 41/37/97, 4 June 1997, and follow-up, AI Index: AMR 41/38/97, 6 June 1997.

<sup>27</sup> See *Violence and Impunity in Guerrero, Report on the findings of a mission of human rights observers to Guerrero, Mexico, 29 May to 22 June 1997*. Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todos".

For example, on two separate occasions in April and May 1997 respectively, Pedro HERNÁNDEZ MONJARÁS and two indigenous *Zapoteco* peasants from the community of San Agustín Loxicha, state of Oaxaca, were abducted. In the same incident included, Riquilda HERNÁNDEZ MARTÍNEZ<sup>28</sup> (20), the daughter of Pedro Hernández Monjarás, and her mother, the wife of Selerino Jiménez Alvarez. When they requested information from the authorities they were shown the bodies of the women after they were last seen by their relatives, in an armed confrontation despite reports that they were taken from their homes to justice for their extrajudicial killings. Moreover, both women fled their communities following repeated death threats and complaints. At the time of writing they were still in fear for their safety and unable to return to their communities.

While most cases reported to Amnesty International in the context of counter-insurgency operations come from the whereabouts of many of the victims have remained unknown since their detention.

For example, on 24 May 1995, Gilberto ROMERO VÁSQUEZ, a peasant activist and leader of the OCSA of Guerrero. On 18 May 1995, Gilberto Romero Vásquez had participated in a meeting organized by the OCSA in response to their demands for basic agricultural resources. During the meeting he was threatened by the authorities in response to the peasant's demands. A demonstration organized weeks later by local peasants demanding information as to the whereabouts of the meeting ended in a bloodbath, when members of the PJE murdered 17 peasants travelling to Atoyac de Álvarez for the meeting. The whereabouts of Gilberto Romero Vásquez have remained unknown and nobody has been brought to justice for the murders.

Gregorio Alfonso ALVARADO LÓPEZ, a teacher, and leading member of the *Coordinación Estatal de Organizaciones de Maestros* teacher's union in the state of Guerrero, and of the *Consejo Guerrerense 500 Años de Resistencia Indígena* non-governmental indigenous rights organization, was taken by a paramilitary group in Chilpancingo, Guerrero, on 15 May 1995.

Days after Gregorio Alvarado's "disappearance", a delegation consisting of his wife, Norma Lorena Valderrama, and other family members presented an official complaint before the state interior minister about his abduction and "disappearance". The minister referred the case to the authorities, and told members of the delegation that paramilitary groups beyond his government's control were operating in the state. In August 1996, Gregorio Alvarado López had presented a number of complaints before the CNDH and its state branches. In November 1995 by unknown individuals in unidentified cars bearing number plates from the Federal District and other states, these vehicles had reportedly taken pictures of Gregorio Alvarado, his house and his family, and had kept his family members in custody. The public ministry in Guerrero have established that at least one of these vehicles belonged to the *Policía Judicial Federal*.

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<sup>28</sup> See Urgent Action 297/97, AI Index: AMR 41/83/97, 9 September 1997.

Gregorio Alvarado had been a CG500ARI delegate to the *Convención Nacional Democrática*, National EZLN in Chiapas in August 1994. He was also an advisor to a congressional deputy for the state of Guerrero and a member of the *Partido Democrático* (PRD), Party of the Democratic Revolution, a leader of the *Consejo de Pueblos Tlapanecos de la Montaña*, the Mountain Region in Guerrero, and a member of the *Partido Comunista Mexicano*, Mexican Communist Party. Gregorio Alvarado López was targeted by the authorities because of activism in favour of the underprivileged and his participation in demonstrations against human rights violations in rural areas. His case was presented to the IACHR in March 1996. In a report issued by the IACHR regarding this case, the Mexican Government has denied that the Mexican security forces were responsible for the disappearance of Gregorio Alvarado López<sup>29</sup>. This response contradicts previous official statements of responsibility for his "disappearance".

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<sup>29</sup>See Urgent Action 237/96, AI Index: AMR 41/61/96, 8 October 1996

Fredy NAVA RÍOS<sup>30</sup> aged 16, a student and army recruit attached to the 49th Infantry Battalion in Petatlán, Jalisco, disappeared on 27 May 1997. His family repeatedly asked for his whereabouts at the army barracks in Petatlán. They were initially told he was on free time and later that he was on leave. However, on 18 July the *Secretaría de la Defensa Nacional* (SEDENA) informed his father, Manuel Nava Baltazar, that an order had been issued for his arrest for his apparent desertion from the army. SEDENA then detained him. However, a soldier informed Manuel Nava that his son had been held for four days at an army barracks in Petatlán, Jalisco, had been tied up, blindfolded and subjected to beatings, apparently in an attempt to implicate him in a confrontation with the EPR on 27 May 1997. According to reports he was later transferred to *Campo Militar No.1* in Mexico City. By 18 August 1997, his whereabouts remained unknown.

### "Disappearances" in the context of anti-narcotics operations

Amnesty International is also concerned at the steady rise in the number of "disappearances" in Mexico. The organisation notes that the context in which these "disappearances" occur often deters the relatives and human rights activists from reporting for fear of being accused of supporting drug-trafficking. Therefore, it would appear that the real number of cases is much higher than reported to the organisation. For example, some Mexican authorities have candidly acknowledged to the media that there have been many cases of "disappearances" in the state of Chihuahua alone<sup>31</sup>. In scores of cases, victims were targeted for falling foul of the law and were reported to have been mistaken for persons with alleged connections to drug traffickers. In the states of Sinaloa and Jalisco there has been a significant number of "disappearances" of business people with alleged links to the narcotics trade<sup>32</sup>. The involvement of the security forces, including the PGR and the Mexican army, in most cases of "disappearances" indicates the involvement of the security forces, including the PGR and the Mexican army, in most cases of "disappearances".

José Rómulo RICO URREA, a businessman from Sinaloa, was abducted by members of the army while travelling on 25 September 1996. His family immediately presented a complaint before the PGE in the state of Sinaloa, and the PGR office in Culiacán. The following day, 26 September, when they arrived at these offices, they were told that his car was recovered that day containing a notebook reportedly belonging to the chief of information of military intelligence in the Military Region. The notebook contained information relating to the abduction of several persons by members of the army for the surveillance of journalists investigating human rights violations.

Although the PGR later denied holding José Rómulo Rico, information released by the SEDENA acknowledged the involvement of a police officer and police chief from the state of Jalisco in the abduction of José Rómulo Rico (the PGR is responsible for the state of Jalisco). According to a communiqué by the SEDENA, this same police chief was a close collaborator of General Jesús Zavala, *Nacional para el Combate contra las Drogas* (INCD), National Institute against Drug-trafficking, between December 1995 and January 1997.

In February 1997, following publication of evidence which linked him to a powerful Mexican drugs baron, José Rómulo Rico was removed from his post and imprisoned on drug-related charges. The SEDENA communiqué, dated 18 February, states that José Rómulo Rico allegedly had participated in the abduction of Rómulo Rico, also had links with drug traffickers.

<sup>30</sup> See Urgent Action 230/97, AI Index: AMR 41/61/97, 23 July 1997 and follow-up, AI Index: AMR 41/77/97, 19 August 1997

<sup>31</sup> See *A toll of "disappearances" in Mexico's war on drugs*, New York Times, 7 October 1997, and also *Acusan a 'Karatecas' por los secuestros*, El Norte (published in Ciudad Juárez), 18 August 1997.

<sup>32</sup> See Report on "Disappearances", Academia de Derechos Humanos de Baja California

Despite mounting evidence suggesting the involvement of high-ranking members of the army and "disappearance" of José Rómulo Rico, by the end of November 1997 investigations opened by the PGR into this case and none of those known to have been involved in his detention and "disappearance" have been brought to justice.

Relatives of the "disappeared" in the state of Sinaloa have compiled a list of at least 30 individuals who 'mostly in connection with alleged anti-narcotics operations. The state authorities have consistently failed to establishing their whereabouts.

The greatest number of reported "disappearances" in the context of anti-narcotics operations has occurred. For example, on 6 October 1996, Rubén Guillermo JURADO ARMENDÁRIZ, was abducted by three unidentified, a the security forces, in Ciudad Juárez. Rubén Jurado was leaving his home when the three men got out of a car vehicle and driven away. Although his wife, Lucía Solís de Jurado, presented a complaint before the authorities which may have been opened into the "disappearance" of Rubén Jurado have not been made available to his relatives organizations. Rubén Jurado remains "disappeared".

The state of Baja California Norte, which borders the USA, is also harbouring a growing number of "disappeared". On 10 March 1994, José Manuel BELTRÁN BELTRÁN and Juan Martín LÓPEZ SOTO, were abducted in the Baja California, by six members of the PJF. The police officers forced the two men into one of their vehicles belonging to Beltrán. Relatives of the two victims presented a complaint before the state authorities, including the PJF, but were not of detainees. However, on 17 March 1994, according to their testimonies, relatives of José Manuel Beltrán and Juan Martín López Soto of the INCD in Mexico City, were able to identify the car belonging to José Manuel Beltrán. The car's number plate was

Despite the mounting evidence which would indicate that José Manuel Beltrán and Juan Martín López Soto were in the hands of forces, including the PJF and the Mexican army, by the end of November 1997 their whereabouts remained unknown.

Victims of "disappearances" in the context of anti-narcotics operations in Mexico have included some. For example, in January 1997, Manuel HERNÁNDEZ PINEDO "disappeared" following his abduction from the home in the USA citizen, Alejandro Enrique HODOYÁN PALACIOS, remained in unacknowledged detention until 22 February 1997. He was held by members of the Mexican Army in Guadalajara, state of Jalisco, in September 1996. While held in unacknowledged under custody of high ranking army officers, he endured prolonged periods of interrogation under torture techniques by electric shock treatment and repeated mock executions, about his alleged involvement in drug-related crimes. Following his release he was again "disappeared" on 5 March 1997, in Tijuana, Baja California Norte State, and death threats for seeking his whereabouts.

In response to the persistent lack of any recourse before the law regarding "disappearances" reported in the border area, relatives of victims, including USA citizens, have established the Association of Relatives and Friends of Disappeared in the border in El Paso, state of Texas, for fear of reprisals from the Mexican authorities. The Association has reported that "disappeared" in Ciudad Juárez alone, in what the relatives describe as a "dirty war against drugs".

## CONCLUSIONS AND RECOMMENDATIONS

Amnesty International has documented a steady rise in the practice of "disappearances" by the security forces. Most of the victims are targeted in the context of counter-insurgency or anti-narcotics operations in which there is no record in the Army.

The impunity granted to perpetrators is a chilling complement to the rise in the egregious practice of "disappearances" that the victims have no effective recourse before the law to seek redress.

Amnesty International urges the Mexican government to adopt immediate and effective measures to end the practice of "disappearances" by security forces. The organisation believes that the following recommendations, some presented in a memorandum of 1997, could ensure a halt to "disappearances" in Mexico:

- The Mexican Government should make a strong statement acknowledging, condemning and stating their commitment to bring the "disappeared" and to bring an immediate end to "disappearances" in the country;
- Establish in internal law that a "disappearance" is a criminal offence, punishable by sanctions commensurate with the gravity of the crime;
- The Mexican Government should adopt the Inter-American Convention on Forced Disappearances of Persons;
- Guarantee that all complaints and reports of "disappearances" are investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and has the necessary resources for investigation. Ensure that the methods and findings of the investigations be made public;
- Ensure that the prohibition of "disappearances" be reflected in security forces' regulations and in the training of personnel on interrogation and custody of suspects. Officials should be instructed that they have the right and duty to prevent "disappearances". An order from a superior officer or public authority must never be invoked as a justification for "disappearances". Superior officers, should not be exempt from responsibility even if they fail to act by omission in relation to "disappearances" of officials under their command;
- Ensure that any law enforcement agent responsible for ordering, encouraging or condoning the practice of "disappearances" be held accountable for justice, regardless of how much time has elapsed since the perpetration of the "disappearance";
- State that officials suspected of responsibility for "disappearances" will be suspended from active duty and should be automatically dismissed from duty, in addition to any punishment imposed by the court. An effective mechanism should be set up to prevent state officials dismissed for human rights violations from being reassigned to similar posts;
- Ensure that relatives of the victims be given access to information relevant to the investigation and be able to act as witnesses, lawyers and others involved in the investigation should be protected from intimidation and reprisals;
- Guarantee that human rights violations perpetrated by members of the security forces are always investigated;
- Ensure that accurate information about the arrest of any person and about his or her place of detention be promptly available to relatives, lawyers, and judges and other official bodies;
- Ensure that prisoners are held only in publicly recognized places of detention;

- *Establish up-to-date registers of all prisoners to be centrally maintained in every state, with such information available to relatives, lawyers, judges and other official bodies;*
- Ensure that law enforcement personnel and other government agents receive adequate training on national and international human rights, and instruction on how to enforce them properly;
- State that victims of "disappearance" and their dependants should be entitled to fair and adequate compensation. Victims who are released should be provided with appropriate medical care or rehabilitation;
- Effectively implement the UN International Covenant on Civil and Political Rights and the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, ratified by Mexico on 23 March and on 23 January 1986 respectively;
- The Mexican Government should declare, under Article 22 of the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, that it recognizes the competence of the UN Committee against Torture to receive complaints if the government has violated its obligations under the Convention;
- Remind the Mexican Government of its obligations under articles 62 and 100 of the Declaration of the United Nations World Conference on Human Rights (WCHR), held in Vienna 1993, to report in June 1998 on the progress made in the implementation of their "duty under all circumstances to investigate if there is reason to believe that an enforced "disappearance" has occurred and to prosecute suspected perpetrators";
- Stop and thoroughly investigate the activities of all paramilitary groups operating in the country, and bring those responsible for human rights violations to justice.