

219/95

AI INDEX: AMR 41/32/95

**EMBARGOED UNTIL 17.30 HRS GMT 15 NOVEMBER 1995**

**MEXICO: AMNESTY INTERNATIONAL PRESENTS REPORT ON HUMAN RIGHTS SITUATION**

Amnesty International's report on Mexico presents a panorama of long-lasting and continuing gross human rights violations. Despite the adoption in recent years of administrative and legal measures for the protection and observance of fundamental human rights, violations continue to be reported on an alarming scale.

Impunity and mal-functioning of the administration of justice, including the lack of full independence of the judiciary, are factors contributing to this situation, in which all citizens are at risk. The underprivileged, particularly indigenous peasants, continue to be the most frequent victims.

Amnesty International's report presents a set of recommendations which should be implemented by the Mexican Government as a first step to ensure full respect for human rights. The document also presents information gathered by Amnesty international and analyses the major factors affecting human rights in Mexico:

- **Impunity.** Court sentences for those responsible for human rights violations are rarely handed down in Mexico. Even highly publicized cases of serious human rights violations have remained unresolved.

A recent example is the irregularities surrounding the investigations of the June 1995 execution of 17 peasants in Guerrero. The findings of the governmental *Comision Nacional de Derechos Humanos*, the National Human Rights Commission, revealed evidence of official responsibility for the killings and documented serious irregularities in the initial investigations in a bid to avoid prosecution of those responsible. While Amnesty International welcomes the steps adopted by some authorities to investigate the Guerrero massacre, the organization has noted with concern that, by September 1995, a significant number of those reportedly responsible for masterminding the killings had not yet been brought to justice.

Amnesty International believes that "only a firm political decision by the Mexican Government to eliminate impunity will make it possible to eradicate the practice of torture and other human rights violations".

- **Administration of justice.** Serious irregularities and deficiencies in the criminal justice system and law-enforcement agencies appear to facilitate a pattern of abuse by members of the criminal justice system, particularly the police. This is fuelled by the continuing lack of independence of the administration of justice, including the judiciary, from the government and the ruling *Partido Revolucionario Institucional*, Institutional Revolutionary Party (PRI).

Following reforms in 1993, the *Ministerio Público*, Public Ministry, has almost discretionary powers to carry out arrests without court orders, and may hold detainees for up to 96 hours before presentation before a court – the period during which the prohibition of incommunicado detention is frequently flouted. In addition, the state is not obliged to provide detainees with any legal counsel during this period. Thus, those who cannot afford the cost of a private lawyer are left without legal defense during criminal proceedings, when human rights violations, including the extraction of coerced confessions, are most likely to occur.

The public ministry has consistently failed to stop arbitrary detention and torture of detainees. Forensic examinations consistently fail to document injuries which might substantiate charges against those responsible.

A similar pattern has been reported in cases of extrajudicial executions, where inadequate autopsies have supported the police version of events. For example, initial forensic examinations carried out in the case of 17 peasants massacred by the police in the state of Guerrero on 28 June 1995, failed to document injuries consistent with extrajudicial executions. The reports were purposely flouted to favour the state authorities' claims that they had died in a shoot-out.

In September 1995, the effectiveness of the reform of the *Procuraduría General de la República*, Republic Attorney's General Office, undertaken by President Zedillo's administration to end violations remains to be seen.

Mexican courts continue to accept confessions, often extracted under torture, as the main evidence for sentencing. Amnesty International is extremely concerned about the practice of giving priority to evidence based on a defendant's initial confessions before the public ministry, rather than before a judge.

The lack of access to a fair and prompt trial is particularly serious for defendants belonging to poorer and inarticulate sectors of the population, especially indigenous people. The case of Diego and Claudio Martínez Villanueva, documented by Amnesty International in January 1995, is an extreme example of abuse and denial of justice against indigenous people.

Diego and Claudio, both Otomí Indians, were in custody from January to March 1994 awaiting trial on charges of murder based on confessions. Both brothers are deaf-mute and mentally handicapped, and illiterate. They were forced to stamp their fingerprints on fabricated statement of guilt and were reportedly beaten and tortured with electric shocks to the tongue while in police custody. In March 1994, the courts ordered their release, but the decision was only made effective in March 1995, following a growing outcry from local human rights organizations.

Unfair trial procedures also frequently affect people believed by the authorities to pose a threat to the political status quo. Amnesty International has documented cases of unfair trials which illustrate the frequent control of the judiciary by the government and ruling party.

Legal remedies against this situation have shown ineffective. The *recurso de amparo*, a remedy for the protection of constitutional rights, is limited and sets no precedent or jurisprudence. The laws passed in recent years aimed at reducing the value of confessions made before the public ministry as evidence in court, and at punishing the illegal use of force, have no impact. To Amnesty International's knowledge, nobody has yet been sentenced under the 1986 Federal Law to Prevent and Punish Torture, which was reformed in 1992 purportedly to ensure its effective applicability.

- **Human Rights Defenders.** Human rights defenders and non-governmental organizations have suffered increasing harassment and threats for their activities. Alarming, the perpetrators appear to benefit from total impunity.

Local human rights defenders have received death threats and attacks. This is the case of Bishop Samuel Ruiz, whose cathedral was stoned on 19 February 1995 by PRI supporters demonstrating with the acquiescence of the local authorities. Press reports indicate that the police only intervened two hours after the incidents had begun.

Foreigners are also the victims of arbitrary arrest and deportation. On 23 June 1995, the Catholic parish priests Rodolfo Izal Erloz, Loren Riebe and Jorge Barón Gutlein were arbitrarily arrested and expelled from the country by the Mexican government on unfounded accusations from powerful local landowners alleging that the priests had engaged in political activities.

- **Chiapas state.** Amnesty International has documented human rights violations in Chiapas state for many years. However, most of the worst human rights violations followed the Mexican army crackdown on the *Ejército Zapatista de Liberación Nacional*, Zapatista National Liberation Army. These include extrajudicial executions; "disappearances"; the widespread use of torture and beatings; arbitrary arrests, including the detention of prisoners of conscience; death threats against human rights monitors, and violation of medical neutrality.

While welcoming the end of military operations in Chiapas state, Amnesty International is deeply concerned that by September 1995 serious violations continue to be reported in that state.

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