

[EMBARGOED FOR 18 September 1991]

£MEXICO

@Recent developments relevant to the issue of torture

18 SEPTEMBER 1991SUMMARYAI INDEX: AMR 41/10/91

DISTR: SC/CC/PO/CO/GR/PG

Shortly after Amnesty International's report Mexico: Torture with Impunity (AI Index: AMR 41/04/91) went to press in May 1991, the organization received news of developments in two important cases documented in the report. This circular provides details about these cases. It also describes a series of measures recently announced by the Mexican Government with the stated intention of curbing torture and other human rights violations and gives further information about the work of the National Human Rights Commission (*Comisión Nacional de Derechos Humanos*). Three cases of human rights violations reported to Amnesty International selected from the many which the organization has continued to receive from Mexico are also included in this circular.

Despite the announcement of administrative reforms and developments in some individual cases, Amnesty International remains concerned about continuing reports of human rights violations, including dozens of cases of ill-treatment and torture by law-enforcement agents reported to the organization since

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Mexico - Recent Developments on Torture

May 1991.

This report summarizes a 6-page document (2600 words), *Mexico: Recent developments relevant to the issue of torture* (AI Index: AMR 41/10/91), issued by Amnesty International on 18 September 1991. Anyone wanting further details or to take action on this issue should consult the full document.

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MEXICO

Recent developments relevant to the issue of torture

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Developments in Individual Cases

Shortly after Amnesty International's report Mexico: Torture with Impunity went to press in May 1991, the organization received news of developments in two important cases documented in the report:

Lawyer Francisco Antonio Valencia Fontes, Enrique Machi Ramírez and Armando Machi Bustamante, whose cases are described on page 33 of the English version of Amnesty International's report, were released on 15 June 1991 after spending 18 months in prison. They were released after the *Procuraduría General de la República*, Republic Attorney General's Office, dropped the charges against them on the recommendation of the *Comisión Nacional de Derechos Humanos*, National Human Rights Commission. Two others arrested in connection with the case, José Luis Antillón and Juan Alfonso Ortíz Gómez, were also released without charge. Amnesty International remains concerned that those allegedly responsible for the torture and ill-treatment suffered by all of those who were released have not been suspended from their duties pending investigation, that they have not been brought to justice and that the victims and their relatives have received no compensation.

Magdaleno Vera García and Carlos Valencia Morfín, whose cases are described on page 12 of the English version of Amnesty International's report, were released without charge on 26 June, after over 13 months detention. Both alleged they had been tortured by Federal Judicial Police agents to confess to drug charges. Their release, together with the earlier release of Salomón Mendoza Barajas and Javier Rosiles Martínez, had been recommended by the National Human Rights Commission in November 1990. Amnesty International notes that a Federal Judicial Police

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agent accused of participating in torturing them - and who was later accused of involvement in the death under torture of Pedro Yescas Martínez (see page 20 of the English version of the report) - was arrested in June 1991. The organization is continuing to monitor the investigations into the allegations of torture, to urge that all those responsible be brought to justice and that proper compensation be provided to the victims and their relatives.

Administrative Reforms

On 21 May 1991 Enrique Alvarez del Castillo, the Republic's Attorney General who is also head of the Federal Judicial Police, was replaced by Ignacio Morales Lechuga, the former Federal District General Attorney.

Under Enrique Alvarez del Castillo there had been increasing allegations of human rights violations committed by law-enforcement agents under the responsibility of the Republic Attorney General's Office. Such allegations were rarely investigated and most of those responsible have not been charged or tried. Furthermore, the Attorney General's Office repeatedly failed to implement the recommendations of the National Human Rights Commission to fully investigate and prosecute agents accused of human rights violations.

There was no indication that Enrique Alvarez del Castillo's transfer to chair the state-run-bank 'Banobras' was part of an administrative sanction for the alleged human rights violations attributed to agents under his responsibility. Furthermore, his transfer was described as a promotion by senior government officials.

A series of reforms to the Republic Attorney General's Office, allegedly aimed at reinforcing respect for human rights and curtailing impunity, were announced in June. These included a prohibition on the use of unmarked police cars, except for special circumstances, the incorporation of new staff including a renowned defender of human rights, the decentralization of the Federal Judicial Police into regional units, and the creation of new regional structures within the Attorney General's Office allegedly for more effective control of the officials under the Attorney General's responsibility. Amnesty International welcomes these measures but it remains concerned that they are insufficient to stop human rights violations, including torture, by Mexican law-enforcement agents. A recently-appointed member of the Republic Attorney General's Office declared in June that, "To reform the police bodies which are, at least in theory, under the command of the Public Ministry Agent without limiting the power of the latter, would be a useless task".¹ (For further information on the role and function of the Public Ministry Agent, please see p37 of the English version of the report). She also said "If it was difficult (to implement changes) to the Federal District Attorney General's Office, here, in general, it will be much harder".²

Also, measures have been adopted in some states. For example, in June, a governmental Human Rights

¹"Reformar los cuerpos policíacos sin antes limitar el poder del Ministerio Público, bajo cuyo mando por lo menos en teoría se encuentran, sería una tarea inútil"

²Si en la Procuraduría General del Distrito Federal era difícil, aquí en general será mas duro"
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Commission was created in the state of Coahuila and, in the same month, a similar office was created in the state of Baja California Norte. Such measures are important steps but AI remains concerned at the large number of reports of torture and other human rights violations by state law-enforcement agents which the organization has continued to receive. For example, in June, the independent *Grupo Pro Defensa de los Derechos Humanos de Saltillo*, Human Rights Defence Group, in the state of Coahuila, announced that it had received 120 recent complaints of human rights abuses, including torture, mostly by state and federal law enforcement agents.

Amnesty International continues to be deeply concerned at reports which indicate that the majority of the human rights violations reported to the Mexican authorities have not been fully investigated by the courts, including many of those reported by the National Human Rights Commission, and that those responsible for human rights violations have only rarely been brought to justice, even in cases where this has been recommended by the commission. At the time of writing, those allegedly responsible for the killing of Erik Dante and Jaime Mauro, and of the torture and killing of Héctor Ignacio Quijano Santoyo (see page 34 of the English version of the report [Mexico: Torture with Impunity](#)), have still not been brought to trial. Also, according to reports received by Amnesty International, those allegedly responsible for the torture of Rubén Oropeza Hurtado, who died months later apparently as a consequence of the injuries received (see page 39 of the English version of the report), have not been brought to justice.

The National Human Rights Commission

On 5 June 1991 the National Human Rights Commission (which is described in chapter 2 of the English version of Amnesty International's report) issued its second bi-annual report. According to the report, between December 1990 and May 1991 the commission accepted 1913 complaints, 266 of which referred to torture. Between January and May 1991, it issued 51 recommendations to the Mexican authorities. On 26 June Jorge Carpizo McGregor, the chairperson of the commission, visited Amnesty International's International Secretariat in London to explain the commission's activities and to present its second bi-annual report to the organization. With regard to torture, he said that there had been some achievements, but that they were not sufficient. He also said that the (federal) law currently in force, as well as the recent reforms to the Federal Code of Penal Proceedings and to the Penal Code for the Federal District introduced at the beginning of this year, were insufficient to curb the practice of torture, and that a new law was being drafted by the commission with the stated intention of stopping torture. He said that some of the commission's recommendations had recently been acted upon (see above) but added that greater independence from the executive and more powers would make the commission's work and recommendations more effective.

Amnesty International welcomes the National Human Rights Commission's efforts but remains concerned about its lack of effective legal powers and lack of full independence, and that most of its recommendations have still not been fully implemented by the relevant authorities. The organization is concerned at reports that many complaints of human rights violations presented to the commission have reportedly not been dealt with. For example, in February 1991, the *Centro Bi-Nacional de Derechos*
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Humanos, Bi-National Human Rights Centre in Tijuana, in the state of Baja California Norte, published a report which documented 50 methods of torture used by law-enforcement agents, based on 158 allegations of torture by inmates of La Mesa state penitentiary. The report was presented as a complaint to local and national authorities and copies were sent to the National Human Rights Commission on several occasions but, according to the Bi-National Human Rights Centre, the complaints have not been dealt with.

New Cases

Amnesty International has continued to receive reports of alleged human rights violations, including dozens of cases of ill-treatment and torture by Mexican law-enforcement agents.

On 18 June 1991, Gregorio Ramos Ramírez was abducted at 8:00 pm from the streets of Reynosa in the state of Tamaulipas, by a group of heavily armed unidentified men. The whereabouts of Gregorio Ramos remained unknown until 18 July, when his body, bearing signs of torture and four bullet wounds, was found on the outskirts of Reynosa. His mother, Celia Ramírez, presented several complaints to the authorities in particular to the Republic Attorney General's Office. During one such meeting she was allegedly informed by a high ranking official that her son was involved in drugs smuggling, but she was assured that he was still alive. Nevertheless, her complaints reportedly remained unanswered and the whereabouts of her son undisclosed until the finding of his body. Furthermore, the Ramírez' family lawyers Roberto Velázquez Quiroz and Epigenio Cavazos Salinas declined to investigate Gregorio Ramos' killing after allegedly receiving threats when they tried to interview a Federal Judicial Police commander about Gregorio Ramos' death. At the time of writing, 31 July 1991, those responsible for Gregorio Ramos Ramírez' abduction, torture and killing have not been brought to justice, and there are no indications of any investigations into allegations that death threats were made against the lawyers involved in the investigation of the case.

On the night of 3 July 1991 Víctor Manuel Oropeza, a medical doctor and journalist, was stabbed to death in his surgery in Ciudad Juárez, state of Chihuahua. According to reports, he was apparently tortured with a plastic bag found beside his body. The Republic Attorney General's Office took over the investigations into the murder following a national outcry.

Dr. Oropeza was a well known political activist and founder member of the *Partido Popular Socialista*, Popular Socialist Party, and of the *Partido Mexicano de los Trabajadores*, Mexican Workers' Party. He was also a columnist for two local newspapers, the *Diario de Juárez* and the *Diario de Chihuahua*. His first article in the latter newspaper referred to the killing of Manuel Buendía, a journalist murdered in 1984 under the orders of the head of the now disbanded Federal Security Police, as a consequence of his investigations into police involvement in drug trafficking (see page 2 of the English version of Amnesty International's report). Oropeza had dedicated the article to Consuelo Avalos, Manuel Buendía's widow,

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who publicly stated that "it was better to be the widow of a brave man than a coward's spouse".³

Shortly before his murder, Dr. Oropeza had published a series of articles criticizing the Judicial Police and a former Deputy General Attorney in charge of anti-narcotics investigations, Javier Coello Trejo (see page 42 of AI's report), for a series of alleged abuses. As a consequence of these articles he and his family had reportedly received several death threats. In the weeks that followed Dr. Oropeza's killing, the Federal Judicial Police in charge of the investigations claimed that those responsible had been identified and that at least one of them, Sergio Aguirre Torres, 23 and Marco Arturo Salas Sanchez, also 23, had been arrested and had confessed to their participation in the crime. However, according to reports, Sergio Aguirre Torres' confession had been obtained under duress. Patricia Martínez, Dr. Oropeza's widow, said that, as in Manuel Buendía's case, the names of those responsible for the killing were to be found in the articles written by her husband.

On 31 July 1991 Anastacio Salinas, 40, was arrested without a warrant by a group of around fifteen unidentified men who broke into the house he was looking after in the town of Reynosa, state of Tamaulipas. The men allegedly told Anastacio that they were searching the house for drugs, although a search order was never shown to him. While still in the house, he was allegedly beaten with blunt objects in the abdomen, kicked in several parts of his body while questioned on the whereabouts of the drugs supposedly stored in the house and threatened with death. He was then transferred to the local Federal Judicial Police station where he remained incommunicado for two days and was allegedly forced to sign a statement under threats of death. He was presented before a judge on 2 August, after the maximum constitutional term of 24 hours of pre-judicial detention had expired. Anastacio reportedly denied the statement he had signed in the presence of the police and told the judge he had suffered torture. He also requested a doctor to certify his injuries and to provide adequate medical treatment. According to reports neither a medical examination nor treatment were provided and Anastacio had to rely on the visit of an independent doctor the following week to certify his injuries. According to reports, Anastacio Salinas has been remanded in prison awaiting trial and his allegations of torture have not been investigated nor have those allegedly responsible been brought to justice.

The continuing use of torture and ill-treatment, despite its prohibition at the highest levels of government and recent administrative initiatives intended to curb such practices, calls into question the effectiveness of such measures. While Amnesty International welcomes the steps that the Mexican Government has taken to address this issue, the measures taken have failed to stop the use of torture and ill-treatment by law-enforcement agents in Mexico.

³*Mas vale ser la viuda de un valiente que la esposa de un cobarde".*
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INTERNAL (for AI members only)AI Index: AMR 41/10/91

Distr: SC/CC/PO/CO/GR/PG

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To:All Sections
Campaign Coordinators
Press Officers
CASA Coordinators/Coordination groups
Mexico Coordinators
Groups with Mexico "disappearance" cases
Target Sector Coordinators

From:Americas Research Department

Date:18 September 1991

MEXICO: RECENT DEVELOPMENTS RELEVANT TO THE ISSUE TORTURE

(Up-date to Amnesty International's Report on Torture in Mexico)

Summary

This circular updates human rights developments in Mexico since the report Mexico: Torture with Impunity (AI index: AMR 41/04/91) went to press in May 1991. Any major further developments will be summarized in the weekly update.

Distribution

As above

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Recommended actions

Please ensure that all relevant people in the section have received copies for their attention, and that the document is distributed externally together with the report Mexico: Torture with Impunity. Also, please ensure that the document is centrally filed for future reference. In addition please undertake as many of the following recommended actions as possible.

1. This EXTERNAL circular should be used in conjunction with the Amnesty International report Mexico: Torture with Impunity, (AI Index: AMR 41/04/91) **embargoed until 18 September 1991**, the circulars containing recommended actions - AMR 41/05/91 and AMR 41/07/91 and the photograph order form, (AI Index: AMR 41/09/91). **This document should also be considered embargoed until 18 September 1991.**
2. Those initiating appeals along the lines suggested in the the circulars containing recommended actions - AMR 41/05/91 and AMR 41/07/91, should also draw attention to the abuses reported here, which have occurred or been reported since the text for Amnesty International's report was finalised. In letters mentioning the work of the National Human Rights Commission, care should be taken to reflect new developments in the Commission's work as described in this update.
3. Urge that these new abuses also be fully investigated, that those who may be found to be responsible be brought to justice and that proper compensation be provided to the victims and their relatives.
4. The information contained here should be given to journalists or others who ask for information concerning torture and other human rights violations carried out or reported to the organization since the report was finalised.