

PUBLIC

AI Index: AMR 41/025/2004

UA 213/04 Legal concern/"Disappearance"/Impunity

28 June 2004

MEXICO State of Guerrero

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The governing Congress in the state of Guerrero is considering a bill that would criminalize "forced disappearance" (when someone is clandestinely deprived of their liberty by the authorities or their agents, with the authorization, support or acquiescence of the state) to bring the state legislation into line with international human rights standards. The bill may fail because it is not supported by the congressional Justice Commission, which must give its approval before the bill can be put to a vote in the Congress. Amnesty International believes that appeals from the international community would show Congress members that there is widespread international support for such legislation.

The "Bill of Law to prevent and eradicate the forced disappearance of persons in Guerrero State" (*Proyecto de Ley para prevenir y erradicar la desaparición forzada de personas para el Estado de Guerrero*) was put forward by local non-governmental organizations and the State Human Rights Commission (*Comisión para la Defensa de los Derechos Humanos*, Coddehum), who began campaigning for the bill in 2003.

Current Guerrero State legislation prohibits the crime of kidnapping for ransom, but does not address "disappearance" at the hands of the authorities or their agents. Because of this, the offence goes unpunished and relatives of the "disappeared" remain in perpetual distress, receiving neither justice nor redress. The bill would be an important mechanism for preventing and punishing this crime in Guerrero, and set an important precedent in Mexico. Mexican federal legislation dealing with "disappearance" is inadequate.

Amnesty International delegates met with members of Guerrero State Congress human rights and justice commissions on 22 June, to urge the Congress to approve the proposal. The Congressional Human Rights Commission say they will support the initiative. However, the Justice Commission have not backed the proposal, raising concern that the bill will not be brought to a vote in the present session of Congress, which is due to close at the end of June. Deputies have offered to continue to work on the bill in a special session into July, but without a clear political commitment to adopt the bill, its success is in jeopardy.

## BACKGROUND INFORMATION

Guerrero has seen more "disappearances" at the hands of state authorities than any other state in Mexico in the last 30 years. Amnesty International documented hundreds of cases of political opponents "disappearing" in Mexico during the "dirty war" of the 1970s and early 1980s, when the authorities clamped down on political activists and social leaders who opposed the authoritarian government, as well as members of armed opposition groups. In this period, over 400 people "disappeared", most of them in Guerrero State. In recent years, Amnesty International has recorded further "disappearances" at the hands of state judicial police.

Mexico is a federal republic comprising 31 states and the Federal District. It has a Federal executive, legislature and judiciary. Each state has its own executive, legislative and judicial authorities, constitutions and criminal codes.

## RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- welcoming the willingness of Guerrero State Congress and executive to consider adopting the special law criminalizing forced disappearance proposed by local NGOs and the Coddehum;
- urging the members of Congress to adopt the bill, to ensure that Guerrero state legislation meets international standards;

- reminding members of Congress that there has been widespread use of "forced disappearance" in the state of Guerrero over the last three decades, and they are obliged to ensure that effective legal mechanisms are in place to prevent and punish its use by state authorities;
- urging members of Congress to pass the bill before the end of the ordinary sessions of Congress, or, if they fail to do so, to commit themselves to a specific timetable to vote on the bill in extraordinary congressional sittings at the earliest possible date to ensure the bill is approved.

**APPEALS TO: (if a voice answers a fax number, ask 'me puede dar tono de fax, por favor')**  
**MEMBERS OF GUERRERO STATE CONGRESS:**

Chair of the Government Commission  
Diputado Juan José Castro Justo (PRI)  
**Fax: +52 747 47 138 11**  
**Salutation: Sr. Presidente de la Comisión**

Chair of the Justice Commission  
Diputado Cuauhtémoc Salgado Romero (PRI)  
**Fax: +52 747 47 152 85**  
**Salutation: Sr. Presidente de la Comisión**

Member of the Government Commission  
Diputado David Jiménez Rumbo (PRD)  
**Fax: +52 747 47 210 47**  
**Salutation: Sr. Diputado**

Member of the Government Commission and Justice Commission  
Diputado Max Tejeda Martínez (PAN)  
**Fax: +52 747 47 229 18**  
**Salutation: Sr. Diputado**

Member of the Government Commission and Human Rights Commission  
Diputado Heriberto Noriega Cantú (PRS)  
**Fax: +52 747) 47118 41**  
**Salutation: Sr. Diputado**

**Fax appeals are preferable, but letters can be sent to members of Congress at this address:**

Guerrero State Congress  
Congreso del estado de Guerrero  
Blvd. Vicente Guerrero, Trébol Sur S/N, Frente Av.  
José Francisco Ruiz Massieu,  
Chilpancingo, Guerrero, C.P. 39075, Mexico

**COPIES TO:**

Human rights organisation  
Centro de Derechos Humanos de la Montaña "Tlachinollan" AC.,  
Calle Mina número 77, Colonia Centro, Tlapa de Comonfort Código Postal 41304, Guerrero, Mexico

President of the Human Rights Commission of the State of Guerrero (Coddehum)  
Lic. Juan Alarcón Hernández  
Avda. Juárez, Esq. Galo Soberón y Parra  
Col. Centro, 39000, Chilpancingo, Guerrero 39000, Mexico  
**Fax : + 52 747 47 121 90**  
**+ 52 747 47 102 51**  
**Salutation: Sr. Presidente**

and to diplomatic representatives of Mexico accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 9 August 2004.