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Mexico: Violence against indigenous women and military injustice

(Mexico City) 22 March 2002. Community of Barranca Tecuani, Guerrero, México. A 27-year-old Tlapaneca indigenous woman was in her kitchen with her children when three soldiers came into her home and interrogated her about some food outside on the patio, which they claimed was stolen. She did not reply to the questions as she speaks little Spanish. Her children ran off to a relative's home. She was then raped by the soldiers. Two years on, the crime of rape remains unpunished. The investigation was claimed by the military legal system and many flaws have been reported in the proceedings.

"Over the last decade Amnesty International has learned of at least nine cases of indigenous women who filed legal complaints of rape by members of the Mexican army. Despite determined efforts of the victims and human rights organizations to secure redress for these grave crimes, the unyielding wall of military jurisdiction has put these cases beyond the reach of justice," said Amnesty International as it launched a new report on the rape of indigenous women in the state of Guerrero by members of the military.

Amnesty International believes that these cases of rape amount to torture under international law. Such serious crimes should automatically ensure investigations of the highest standard.

By focusing on the cases of indigenous women victims of rape between 1997 and 2002, the report highlights the ongoing struggle of victims to overcome intimidation, discrimination, incompetence and obstruction in their search for justice.

"Women victims of sexual violence at the hands of military personnel who dare to confront the very real cultural, economic and social barriers that exist to seek justice, have to contend with poor medical care, substandard forensic examinations and a military judicial system that is incapable of providing minimum guarantees of prosecuting those responsible," said Amnesty International.

The impunity that surrounds these cases has a direct impact on women and indigenous communities in Guerrero, where the heavy presence of the military is a reminder of their trauma and generates fear, dissuading other women from reporting complaints.

The report examines the serious flaws in the investigative practices of the Military Attorney General's Office, which demonstrate a clear lack of impartiality.

"The absence of effective oversight to challenge these practices contributes to a system that routinely denies the fundamental rights of victims of human rights violations in order, apparently, to protect

the reputation of the military," said Amnesty International.

The Mexican government has stated its commitment to combat all human rights violations whoever the perpetrators. Yet despite these commitments, the government has taken no steps to legally restrict military jurisdiction leaving this as one of the key obstacles to ending impunity for human rights violations committed by military personnel.

International human rights mechanisms from the United Nations and the Organization of American States, have repeatedly called on the Mexican authorities to end military jurisdiction in such cases, whether the military officials are on active service or not.

The Mexican state is accountable under international human rights law for rape by its agents and is also accountable for rape by private individuals if it fails to act with due diligence to prevent, punish and provide redress for such crimes.

"The state has a duty to address violence against women. It is only by tackling the root causes of such violence and by taking specific and effective measures to end impunity and combat discrimination, that levels of human rights violations against women in Mexico will decrease."

"The Mexican state is going through a period of modernization. The present administration has committed itself to introduce accountability, transparency and end impunity. Now is the time to modernize the armed forces and their relationship to society, in particular to enact legislation which will ensure that human rights violations are investigated and tried with all appropriate guarantees of independence and impartiality in the civilian justice system."

Background information

The report: "Mexico: Indigenous women and military injustice" is partly based on information gathered by Amnesty International delegates during visits to Mexico in June 2003 and June 2004. Delegates met with survivors, witnesses, local non- governmental organizations, lawyers and the State Human Rights Commission, CODDEHUM, (Comisión de Defensa de los Derechos Humanos del Estado de Guerrero). Several requests for meetings with military commanders in the state of Guerrero and with the Military Attorney General to discuss some of the issues connected with the cases were unsuccessful.

**For a copy of the report: "Mexico: Indigenous women and military injustice", please see:
<http://web.amnesty.org/library/index/ENGAMR410332004>**

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