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## **CENTRAL AMERICA AND MEXICO**

### **Human rights defenders on the front line**

#### **INTRODUCTION**

Human rights defenders are the men and women on the front line of the struggle to realize the ideals proclaimed in the Universal Declaration of Human Rights, that all people should be free from “fear and want”. Wherever there is persecution and oppression, when human rights are denied or human dignity threatened, when harassed minorities or oppressed peoples are at risk, defenders strive to protect the weak and hold the powerful to account.

In Central America and Mexico there is a long tradition of the defence of human rights; human rights activism in these countries can be traced back to the first Indian freedom-fighters against Spanish rule, some 500 years ago. Even during past periods of intense civil conflict in countries like El Salvador and Guatemala, people campaigned for fundamental human rights and freedoms.

There is also a long tradition of persecution of the brave individuals who defend human rights. They have been killed, made to “disappear”, tortured, threatened with death, arbitrarily detained and harassed by state agents.

The end of open conflict in Central America has seen the human rights movement develop and gain in strength and confidence. But the risks are still high.

It is striking how, even in countries undergoing transition from armed conflict, the same patterns of human rights violations persist, even if on a reduced scale, often despite peace agreements which bound all sides to promote and protect human rights. Although the types and numbers of violations vary between the countries on which this report focuses, there is one consistent and common pattern. In Central America and Mexico those responsible for human rights violations are very rarely brought to justice. Impunity prevails, as it has done for decades. The work of Amnesty International and other international human rights organizations would grind to a halt were it not for the support, cooperation and information which human rights defenders provide.

The human rights community is a mixture of non-governmental organizations and other individuals or associations, including trade unions, popular and religious organizations, involved in the struggle for human rights. Human rights defenders can be lawyers, journalists, peasant leaders, trade unionists, students, relatives of victims and many others who denounce and investigate violations; support and protect the victims; fight to end impunity; promote human rights education and mobilize their communities in campaigns to stop the violations.

By investigating and denouncing violations, human rights defenders help to curb the authoritarian tendencies that can appear in any government, no matter how open or democratic it appears to be. Defenders constantly remind all states to live up to their promises and their obligations to protect the rights of their citizens. This role continues to be important because the distance between government rhetoric and reality is often enormous.

Defenders have a decisive role in countries suffering the consequences of violent conflict or dictatorship, where state officials feel free to act with impunity. They are often the

only force standing between the mass of ordinary people and the unbridled power of the state. They are a crucial source of information about what is really happening in a particular country; they alert international non-governmental organizations and the media and report abuses to the relevant UN bodies, helping to breach the wall of silence that offending governments try to maintain.

The role of human rights defenders is also key in countries undergoing major reform or transition. They are among the first to take advantage of small democratic openings, and they help create the space in which the right to peaceful dissent and freedom of expression can be exercised and protected. Defenders try to ensure that those responsible for past human rights violations are held to account, but also constitute a guarantee that justice is not turned into vengeance against the old oppressors and that truth about the past is not used as a partisan tool. Above all they try to ensure that new-found freedoms flourish, by continuing to investigate and denounce human rights violations.

For many years Amnesty International has campaigned to protect human rights defenders in Central America and Mexico. In May 1996 the organization held an International Conference on the Protection of Human Rights Defenders in Latin America and the Caribbean, in Bogotá, Colombia. The conference, attended by human rights defenders from the Americas, was primarily a consultation, which facilitated a rich exchange of ideas and experiences between human rights defenders from the region and emphasized the crucial role of the defence of human rights in the societies of the Americas. It also provided vital support for achieving a mutual understanding and strengthening the ties of cooperation necessary for the active promotion and protection of the right to defend human rights.

Defence of human rights was also the theme of a subsequent non-governmental conference, organized in Mexico in September 1996. Amid growing threats and attacks on their work, hundreds of Mexican human defenders gathered in the Ibero American University in Mexico City for the Second Human Rights Forum. They made a pledge to the authorities, which they invited the public to support, that they would continue their efforts to end human rights violations, campaign for those responsible to be brought to justice and protect human rights defenders. They also called on the Mexican Government to implement the recommendations of the Bogotá conference on the Protection of Human Rights Defenders.

In Guatemala, one week later, a forum titled “The defence of human rights and the construction of democracy”, was organized in Guatemala City by the Centre for Legal Action on Human Rights (CALDH) and Amnesty International. The conference delegates discussed the threats they are facing in the context of political transition and the unfolding peace process. They agreed to organize a national network of organizations, as a first step towards carrying out some of the forum’s recommendations on training, work with governmental human rights bodies, publicity and joint protection actions.

It is the inescapable responsibility of state and intergovernmental bodies to guarantee the free exercise of the right to promote and defend human rights. States are fundamentally obliged to protect and promote this right, to prevent it from being threatened, restricted, or suppressed, and to protect the liberties and security of those who exercise it.

In particular, the governments of Central America and Mexico should adopt urgently all the means necessary for countering repressive actions or intimidation by government agents against defenders, their allies and organizations, and to take all means required to dismantle paramilitary groups and so-called “death squads” that in some countries constitute a permanent threat to the work and security of human rights defenders.

This protection should be extended to all those — such as accusers and witnesses, officials and judicial personnel — who contribute, even in a circumstantial manner, to the defence of human rights.

## I HUMAN RIGHTS DEFENDERS IN CENTRAL AMERICA

El Salvador: 'A blindness of conscience'

"To threaten those who are part of civil organizations in society and human rights activists, who care about the problems of those in most need for justice in this country, shows nothing but a blindness of conscience, which does not allow them to see how much we need in this country the respect for human rights, as a foundation for the rule of law and peace."

Oficina de Tutela Legal del Arzobispado, 28 June 1996

A fierce civil war raged in El Salvador during the 1980s and early 1990s between government forces and the armed opposition Farabundo Martí National Liberation Front (FMLN). People from all sectors of society suspected of opposing the government became victims of human rights violations, including arbitrary arrest, torture, "disappearance" and extrajudicial executions. Human rights defenders paid a high price for their legitimate activities exposing government abuse during the war. Moreover, those responsible for these violations have not been punished for their hideous crimes.

One of the best known martyrs for the human rights cause is Monsignor Oscar Arnulfo Romero y Galdámez, Archbishop of San Salvador. He was assassinated while celebrating mass on 24 March 1980 in the chapel of the Divine Providence Hospital, San Salvador. He had become an outspoken critic of human rights violations and a leading human rights defender. In March 1980 he wrote to the then President of the United States of America (USA), Jimmy Carter, asking the USA not to provide military assistance to El Salvador which might be used to perpetrate human rights violations. He was killed shortly afterwards.

The killing of Archbishop Romero was investigated by the Commission on the Truth for El Salvador (Truth Commission), established under the 1992 Peace Agreements between the Government of El Salvador and the FMLN. In its 1993 report the Commission concluded that:

"1. There is full evidence that:

(a) Former Major Roberto D'Aubuisson gave the order to assassinate the Archbishop and gave precise instructions to members of his security service, acting as a "death squad", to organize and supervise the assassination."

and that

"4. There is full evidence that the Supreme Court played an active role in preventing the extradition of former Captain Saravia [actively involved with others in planning and carrying out the assassination] from the United States and his subsequent imprisonment in El Salvador. In so doing, it ensured, inter alia, impunity for those who planned the assassination."

No has been brought to justice for the killing of Archbishop Romero.

In January 1992 the government and the FMLN signed a definitive peace accord in Mexico City after negotiations mediated by the UN. On 15 December 1992 the armed conflict was formally ended. However, human rights defenders continue today to be the targets of attacks, although on a reduced scale, for their efforts to protect and promote fundamental rights and freedoms.

### **Targeting CDHES**

Part of the legacy left by Archbishop Romero was the Commission on Human Rights of El Salvador (CDHES) which he helped create. The CDHES was founded on 1 April 1978 by a group of university students and professionals with the aim of promoting and defending respect for human rights. It has been a target of repression ever since and has paid dearly for its efforts. Several of its members have been killed or "disappeared" as a result of their commitment and work on behalf of victims of human rights violations.

María Magdalena Henríquez, Press Coordinator of CDHES, was kidnapped on 3 October 1980 in San Salvador, the capital city, by police officers in civilian clothes. Her body was found a few days later in a shallow grave outside the capital. She had been particularly active in submitting writs of habeas corpus on behalf of “disappeared” people. Ramón Valladares, CDHES Administrator, was murdered on 25 October 1980 by unidentified men.

On 14 March 1983 CDHES President Marianella García Villas was killed by members of the armed forces. There were different versions about the events which led to her death, ranging from claims that she was among the victims in a massacre carried out by the “Atlatl” Battalion of Rapid Reaction, in La Bermuda, department of Cuscatlán, to allegations that she had been murdered after being tortured for several hours by the military, to the government version that she had been killed in a confrontation with the army. Marianella García Villas had been detained by the authorities and had left El Salvador at the end of 1981 after her name was included twice in lists of “traitors”. One of the lists was published by the Press Committee of the Armed Forces and another was issued by the Maximiliano Hernández Brigade, a far-right paramilitary group. These lists effectively gave official sanction to groups carrying out extrajudicial executions. She had returned to investigate reports of indiscriminate bombing of unarmed civilians and the use of chemical weapons against civilians.

Major Roberto D’Aubuisson, who founded the right-wing Nationalist Republican Alliance (ARENA) in 1981, had publicly referred to Marianella García Villas as “Comandante Lucía” and the government portrayed her as a guerrilla who had been terrorizing peasants when she was killed. Despite national and international calls for a thorough and independent investigation of her death those responsible have never been brought to justice.

Herbert Ernesto Anaya Sanabria was the Coordinator of the CDHES when he was murdered on 26 October 1987. He was shot by men in plain clothes; he had been previously subjected to repeated harassment and threats, directed at him and other independent human rights defenders in El Salvador and had been acquitted of charges of collaboration with the armed opposition, in February 1987.

The Truth Commission, mandated under the peace accords to investigate “exceptionally important acts of violence” committed by the government or FMLN forces since 1980, found that the authorities had failed to protect human rights according to its international commitments, to properly investigate the murder of Herbert Anaya and to bring those responsible for his death to trial.

### **Attacks on other human rights defenders**

Even after the end of the civil war in El Salvador brought a reduction in the number of human rights violations, defenders have continued to be targets of threats, attacks or intimidation. On 19 May 1994 the offices shared by the Salvadorean Women’s Movement (MSM) and the Madeleine Lagadec Human Rights Centre were broken into. The following day Alexander Rodas Abarca was killed by unidentified gunmen as he was guarding the offices. He was a reserve member of the National Police and member of the security group for the Revolutionary Party of Central American Workers (PRTC), a faction of the FMLN, which became a political party under the terms of the 1992 peace accords. The directors of the two organizations dismissed robbery as the motive for the break-in since nothing of any value was taken. They said, however, that the staff of the office had seen people and vehicles watching the premises for some days before the incident.

Dr Francisco Carrillo, director of the non-governmental organization FUNDASIDA, and other members of the organization were the targets of death threats and their offices were raided in June 1995. FUNDASIDA works on behalf of people with AIDS. The three men involved said they were looking for Dr Carrillo (who was not there at the time). They left a message with those present that “he owes us something and we are going to kill him”. Two days later the receptionist

was reported to have received an anonymous phone call, in which the caller asked her: “Do you want to die?...then prepare yourselves, today at 3pm”.

On 6 July 1995 Amnesty International learned that the gay men’s group Among Friends had received three death threats by telephone from a “death squad”, saying they would come to their next meeting and kill everyone. In October and November 1994 Wilfredo Valencia Palacios, Deputy Director of the Oscar Romero AIDS Project, was threatened with death in the street by unidentified armed men, believed to belong to a “death squad”.

In early October 1995 Lic Benjamín Cuéllar Martínez, director of the Central American University’s Institute of Human Rights (IDHUCA), and Lic Luis Romero García Alemán, director of CDHES, were attacked by unknown men. They had just participated in an event commemorating the killing of six Jesuit priests, their cook and her daughter in November 1989. According to reports the unidentified armed men entered the IDHUCA building and forced the two men to go to the director’s office. Once there they disconnected telephones and computers and searched the offices while continuously threatening the two victims, who had been gagged. They left when others in the building raised the alarm.

On 17 February 1996 unidentified men raided the premises of the Committee of Relatives of Victims of Human Rights Violations in El Salvador (CODEFAM). Nothing of value was taken.

CODEFAM was founded in 1981, to defend human rights, to provide legal and social assistance to victims and their families and to work for the release of political prisoners and for the “disappeared”. Since the signing of the 1992 peace accords CODEFAM has continued to work for the promotion and defence of civil, economic, social and political rights.

Human rights defenders continue to appear on “death lists” in El Salvador. On 26 June 1996 a group calling itself the Roberto d’Aubuisson Nationalist Force (FURODA) emerged. In its first public statement FURODA issued threats against 15 people. Those on the list included: Monsignor Gregorio Rosa Chávez, Auxiliary Bishop of San Salvador; Medardo Gómez, Lutheran Bishop; and Dra Victoria Marina Velásquez de Avilés, National Human Rights Procurator. They have been involved in human rights work and have publicly expressed their commitment to human rights and democracy.

The statement referred to them as “worms” and warned: “Your days are numbered”. The group’s threats said, among other things: “We want to tell you that from this moment on we have prepared the conditions to punish in an exemplary way all those who attempt to abort the democratic process in El Salvador. Therefore, [those named above] are now considered as targets of FURODA.” It went on to say that [those listed] “will receive a just payment for defending the terrorists who, from the University of El Salvador, continue acting as instruments to destabilize El Salvador”.

Monsignor Rosa Chávez had received such threats before, on 10 June 1994, from a caller who identified himself as a member of the Comando Domingo Monterrosa (named after a military official killed in the 1980s).

Amnesty International is concerned by the failure of the authorities to take effective measures against the so-called “death squads” (which have committed numerous violations against human rights defenders, among others) and any other groups or individuals who reportedly continue violating human rights. For the process towards full democracy and respect for human rights outlined in the peace accords, the report of the Truth Commission and the Joint Group (set up to investigate “death squads”) to become a reality, the government must show that it has the political will and the institutional capacity to fulfil its promises. The alternative could be a slide back towards the practices of widespread human rights violations of the past.

### **Guatemala: ‘Impunity persists’**

The persecution of human rights defenders in Guatemala today takes place against a background of decades of repression. During 34 years of civil war, over tens of thousands of Guatemalans were killed or “disappeared”. At the peak of counter-insurgency operations, in the late 1970s and early 1980s, an estimated 200,000 people fled to Mexico as refugees; a further one million were internally displaced. Among the victims of political repression were members of indigenous organizations, members of the clergy, educators, students, lawyers, trade unionists, journalists, community and human rights workers.

These tens of thousands of killings and “disappearances” were carried out by Guatemala’s security forces, either in uniform or plain clothes, or else by the civil defence patrols<sup>1</sup> or military commissioners, who act as civilian agents for the military<sup>2</sup>. The overwhelming majority of those who committed these grave human rights violations have never been brought to justice.

Although there is currently no evidence to suggest that repression is a deliberate or systematic state policy, as it was in the past, human rights violations committed by members of the security forces against human rights defenders continue. Today’s victims include community leaders, journalists, indigenous peasants, judges, prosecutors and lawyers, trade unionists, forensic investigators and witnesses to human rights violations. Many Guatemalan human rights defenders have been forced into internal exile, unable to return to their own communities, or have fled the country.

#### **The growth of the human rights defenders movement, 1980-1994**

In 1980 a number of people joined together to form a human rights committee, the first such citizens’ committee since relatives of the “disappeared” banded together in the 1960s. However they were forced to disband when their leader, journalist Irma Flaquer, “disappeared” after being abducted in the centre of Guatemala City in October 1980. Shortly before her “disappearance”, she had accused the government of complicity in “death squad” killings and had resigned as the committee’s president on the grounds that it was “useless and suicidal” to work for human rights in Guatemala. She remains “disappeared”.

Human rights defenders continued their work, despite the threats and attacks. In June 1984 the Mutual Support for the Reappearance Alive of our Sons, Husbands, Fathers and Brothers (GAM), was formed by people dedicated to tracing their missing relatives. By 1986 the group was working on 950 cases of “disappearance”. At an army press conference in 1986, GAM President Nineth Montenegro was accused of impugning the honour and prestige of the army and GAM’s activities were described as “dangerous”. Two of GAM’s leaders, Héctor Gómez Calito and Rosario Godoy de Cuevas, had earlier been brutally murdered by the security forces in March and April 1985 respectively. Their killings were never investigated. In December 1986 Basilio Tuiz Ramírez, a GAM member, “disappeared” after being seized on the road between Panajachel and San Andres, Sololá. Witnesses said his abductors were Guatemalan army soldiers. In September 1988 Valerio Chijal, a local organizer for the newly-formed Council of Indigenous Communities (“We are all Equal”) (CERJ) was shot dead in his home in the hamlet of Agostadero, municipality of San Andrés Sajcabajá, El Quiché, after receiving death threats from local civil patrol members and military officials. CERJ was particularly active in protesting against peasants being forced to join the ostensibly voluntary civil patrols. A few days later another CERJ organizer, Pedro Cumes Pérez, “disappeared” after being seized by uniformed soldiers on the San Julián plantation in Suchitepéquez department and taken to the military detachment in Patulul. At the time of his “disappearance” he had been attempting to set up a local CERJ group in Suchitepequez.

CERJ President, and founder Amílcar Méndez, a schoolteacher from Santa Cruz del Quiché, has been the victim of persistent threats and harassment since CERJ was formed in July 1988. In April 1991 he was the victim of an abduction attempt and he and his family have since

received a series of death threats. During CERJ's first five years, at least 17 of its members were killed in circumstances suggesting official involvement.

In April 1993 Tomás Lares Cipriano, who was active in both CERJ and the indigenous peasant group, Committee of Peasant Unity (CUC), was ambushed, tortured and killed near his village of Chorraxá, Joyabaj, El Quiché. Tomás Lares had organized demonstrations against the military presence and the civil defence patrols in his area, and had filed complaints about threats against local people made by military commissioners. The civil defence patrol members thought to be responsible for his killing remain free today, and have been implicated in a series of attacks and murders in the area since 1993.

Members of the National Coordination of Widows of Guatemala (CONAVIGUA) began receiving death threats from the moment the group was formed in 1988. In 1992 CONAVIGUA member Rosa Pú Gómez was threatened at gunpoint by a man who demanded information about several grassroots leaders and her "disappeared" husband. He also accused Rosa Pú of belonging to the armed opposition. A police officer present made no attempt to arrest the man. CONAVIGUA members and leaders in rural areas continue to suffer attacks, death threats and harassment today, and have been repeatedly accused of participating in guerrilla activities. CONAVIGUA fought a concerted battle to document and force the abolition of forced military recruitment in Guatemala, a practice the government claimed did not exist. CONAVIGUA is also campaigning for the right to conscientious objection, thus bringing them into direct conflict with the armed forces hierarchy.

Government officials and members of the military and civil patrols frequently seek to discredit human rights defenders, and make them appear to be "legitimate targets" for attack, by accusing them of being "guerrillas", or by claiming that their activities are subversive. In July 1994, for instance, Guatemalan army spokesman Colonel Morris de León publicly stated that Rosalina Tuyuc, then president of CONAVIGUA, was known by the alias of "Julia" in the insurgency movement and that her brothers were "guerrillas" specializing in demolishing bridges and collecting "war taxes". The Tuyuc family have reported various other incidents of threats and intimidation against them since the formation of CONAVIGUA in 1992, in what can only be described as a deliberate and calculated campaign against them. The most recent incident in this campaign was an attack on María Tuyuc Velásquez, Rosalina Tuyuc's sister, on 19 May 1996 outside the offices of CONAVIGUA in Guatemala City. María Tuyuc was grabbed by a man in plain clothes who repeatedly beat her and sexually assaulted her, before he fled saying he would find her again. Several days earlier, two unidentified men driving a car with tinted windows attempted to kidnap Josefa Ventura and Sebastiana Hernández, also members of CONAVIGUA. The men insulted the two women before they managed to escape to safety. CONAVIGUA believed these recent attacks and threats were related to a public march organized as part of their campaign for conscientious objection.

### **Human rights and the Global Human Rights Accord**

The Global Human Rights Accord was signed on 29 March 1994 as part of the ongoing peace talks between the Guatemalan Government and the armed opposition, the Guatemalan National Revolutionary Unity (URNG). The Accord provided for the presence of a UN Mission for the Verification of Human Rights in Guatemala (MINUGUA).

Clause 7.2 of the Global Human Rights Accord states: "the Guatemalan Government will take special measures to protect all persons and organizations working in the field of human rights, and is obliged to carry out exhaustive investigations into all reports of threats or attacks against them...". In the Accord, the Guatemalan Government reiterated its promise to protect human rights defenders and guaranteed their freedom to continue their work. It has persistently failed to meet that commitment.



Despite such a specific guarantee for the protection of human rights defenders, MINUGUA reported in July 1996 that the Government had not adopted any special measures to provide guarantees or protection to those persons or organizations working in defence of human rights.

Although the presence of MINUGUA since November 1994 has signified that Guatemalan human rights organizations can operate more openly than before, this new openness does not appear to have been matched by a decline in human rights violations, threats and intimidation against defenders. Mónica Pinto, the UN Independent Expert on Guatemala, said in her December 1995 report to the UN Commission on Human Rights: “Acts of physical violence with evidence of torture have taken place in tandem with a pattern of intimidation which threatens the security of all organized civilian sectors and those who have demonstrated support for the peace process in general.”<sup>3</sup>

Information collected by Amnesty International shows that those working to end impunity, judges, lawyers, journalists and human rights activists, are frequently the target of death threats, short-term abductions, torture and extrajudicial execution.

Although there is currently no evidence suggesting that such violations are part of a deliberate state policy as they were in the past, Amnesty International believes that these crimes are often committed with the acquiescence or complicity of some state officials. Few, if any, investigations into these crimes have been initiated and almost in no case have those responsible been brought to justice, even though they may have been identified.

The fact that abductions, for example, are sometimes carried out in broad daylight by heavily armed individuals, highlights the total impunity with which the perpetrators, members of the security forces or those under their command, are operating.

### **Human rights investigators at risk**

Those seeking to uncover the atrocities of the past have been particularly targeted. In 1994 the Association of Families of the Detained and Disappeared of Guatemala (FAMDEGUA) and the Archbishop’s Human Rights Office of Guatemala (ODHAG) enlisted the help of the Argentinean Team of Forensic Anthropologists to excavate mass graves containing the remains of the more than 350 victims of the 1982 massacre by the Guatemalan army at the village of Las Dos Erres in Petén. The team spent 16 days at the site in July 1994 and returned at the beginning of May 1995 for a more extensive excavation. By the end of July they had recovered the remains of at least 162 people, including 67 children. FAMDEGUA reported that the relatives of those killed during the massacre were subjected to repeated death threats issued by a military commissioner, who said that he had a list of all the people in the village who had been involved in the exhumations and that they would be killed if they carried on with their work. Police protection had to be given to members of FAMDEGUA and the forensic team after incidents in which machine guns were fired into the air near their temporary accommodation in Las Cruces.

The Guatemalan Forensic Anthropology Team (EAFG), a non-governmental organization formed in 1992 to carry out exhumations of clandestine cemeteries, has also been the subject of threats and intimidation. The latest were the threats against Carlos Federico Reyes López, aged 26, an anthropologist and a member of the EAFG. On 12 June 1996 an unidentified man sat next to Carlos Federico Reyes López on a bus in Guatemala City and held a gun to his ribs, warning him to “stop being with those friends, because it’s dangerous...”, before getting off the bus. A week later, on 19 June, Carlos Reyes was surrounded by four unknown men in Guatemala City, one of whom pushed the barrel of a gun into his back and told him “we already know where you live, you have one month to change your job, because it’s dangerous... Oh, and of course we know your father is very ill.” A few months earlier Carlos Reyes had participated in the exhumation of a clandestine cemetery containing the remains of 19 victims, including at least six children, killed during a massacre in the village of Los Josefinos, municipality of La Libertad, El

Petén, in April 1982. The anthropologists had collected substantial evidence for use in future judicial investigations of the massacre.

### **Journalists targeted**

Others have been attacked apparently as a form of threat or warning. Vinicio Pacheco has interviewed various judicial authorities, gathering information on the various judicial proceedings underway against those charged with organized crimes such as kidnapping, drug trafficking and car-theft. The involvement of state security agents in many of these crimes is being investigated.

On 28 February 1996 Vinicio Pacheco, a journalist with Radio Sonora, was kidnapped by four men. He was given sedative pills which made him feel faint. A gun was forced into his mouth, breaking one of his front teeth, and he was asked why he was supporting judges and why he was collecting information on kidnappings and the car-robbing gangs. Vinicio Pacheco was held for three to four hours, while being beaten, kicked, and burned on the chest with cigarette. The soles of his feet were cut with what he believed to be a blade. He was also questioned about the activities of other journalists, including some from the major daily newspapers such as Siglo Veintiuno, and radio and television journalists. The assailants told him he had only been released in order to warn the other journalists. The assailants told him he had only been released in order to warn the other journalists, otherwise they would have killed him. He continued to receive death threats after his release, and fled the country shortly afterwards.

On 15 May 1996 unidentified men threw three hand grenades at the car of the ex-director of Siglo Veintiuno, a national daily newspaper, José Rubén Zamora, one of which exploded. José Rubén Zamora stated that the actions were the latest in a “long pattern of intimidation, and threats” designed to force him to leave the country, following Siglo Veintiuno’s exposure of security force links with the escalating mafia-style organized crime wave in Guatemala. Months before this attack, José Rubén Zamora had reported receiving scores of telephone death threats from people who refused to identify themselves and threatened to kill him. He was about to publish an article giving information about a group of military officers allegedly involved in criminal activities.

José Rubén Zamora wrote an open letter to the President of Guatemala in which he called for an investigation into the attack and for protection for him and his family. In a “Right to Reply” by President Alvaro Arzú, copied to national and international organizations, including Amnesty International, the President promised security for the journalist and his family. However, no official findings of the investigation into the attack against José Rubén Zamora have been published.

In early March 1996, six other journalists — Eduardo Zapeta, Haroldo Shetemul, Carlos Rafael Soto, Mario Alberto Carrera, Gustavo Berganza and Marta Altolaquirre — were named in anonymous death threats sent to the media. The journalists were accused of “playing the game of terrorist criminals” and of being “enemies of the system, destroying and disappearing the most traditional state institutions...They cannot continue to live, they don’t have the right”. Mario Alberto Carrera, a journalist with Siglo Veintiuno replied publicly to the threats in an article entitled “To my possible murderers”, in which he said: “if I were to give up my activities as a journalist, my soul would die” and added that even if they did kill him “the sustained struggle will not end with my death”.

### **Trade unionists at risk**

Trade unionists have suffered consistent attacks under successive military regimes and civilian governments in Guatemala. The worst periods of repression saw union leaders and members alike “disappeared” or killed, tortured and the targets of threats and intimidation at the hands of the security forces or those working with them. In June 1980, during a meeting of the trade union

federation, the CNT, 27 trade union leaders were seized at gunpoint at the CNT headquarters. The street was closed to traffic by uniformed members of the National Police while an estimated 60 plain-clothes men entered the CNT headquarters and took away the trade unionists in unmarked Toyota jeeps. The trade union leaders “disappeared”. Two months later, 16 trade union leaders were seized at a Roman Catholic retreat and conference centre by a combined force of police officers and soldiers. They too remain “disappeared”. There has been no official investigation of these incidents.

Although trade unionists are not the victims of systematic human rights violations as they were in the past, Amnesty International has continued to document cases in which trade unionists have been targeted for their legitimate activities in defence of workers’ rights.

Déborá Guzmán Chupén, a trade union leader at the Lunafil factory in Amatitlán, has been harassed and repeatedly threatened with death since May 1994, when workers began protesting against closure of the Lunafil factory. At 9.30am on 28 February 1995 she was abducted and held for 24 hours. Her captors drugged and beat her, and told her to warn her husband, Félix González, also a trade union leader at Lunafil, to stop his activities or she would die. She has received death threats continuously since her release. Between 16 and 28 February 1996 alone, she received five anonymous threats. Three of the threatening letters were sent to her home in Amatitlán; she then moved to a secret location with her husband and baby. The family received a fourth anonymous letter and moved to a second hiding place, where they received a fifth anonymous letter, dated 28 February.

Following an investigation of the threats and harassment against Déborá Guzmán and Félix González, Guatemala’s Human Rights Procurator concluded in June 1995 that their human rights, including their rights to security and freedom of movement, and their trade union rights, had been violated. The Procurator held that the official security forces, the Ministry of Interior and the Director of the National Police were responsible for the attacks. Despite the Procurator’s findings, and an official investigation by the National Police into the kidnapping of Déborá Guzmán and the threats against her and her husband, and despite a judicial investigation by the Public Ministry, those responsible have not been brought to justice and the threats against the couple and other trade unionists continued. Only when Déborá Guzmán decided to stop her trade union activities did the threats against her life cease.

### **Impunity**

There is a long tradition of impunity in Guatemala. Only a very few cases of the tens of thousands of human rights violations that have taken place in Guatemala over the past three decades have been investigated and only a handful of the perpetrators have been brought to justice. Attempts to investigate human rights violations have met with systematic resistance by the security forces and also by those state institutions responsible for carrying out the investigations. In the few cases where investigations have taken place, it is largely due to the courage of local human rights defenders and victims’ relatives in pressing for prosecutions. Many instances of threats and attacks against those involved in judicial proceedings in human rights cases have been reported. No one is immune from attack. Even members of the security forces who have been willing to investigate abuses have been targeted, as have members of the judiciary involved in such cases.

In early 1996 the Attorney General of Guatemala, Ramses Cuestas acknowledged that state prosecutors from the Public Ministry were receiving three to four death threats every month and that they were frequently victims of physical attacks. MINUGUA received similar reports and stated that in one case, the prosecutor threatened was later killed. Another prosecutor was forced to leave the country after receiving threats, and many have stopped handling cases after receiving death threats.

During investigations into the 1990 killing of anthropologist Myrna Mack, for instance, relatives, lawyers, judges and judicial officials, witnesses, journalists and virtually anyone associated with the case have been threatened and harassed. In August 1991 the police commissioner in charge of the investigation was shot dead in front of the National Police Headquarters.

In October 1995 a Public Ministry researcher working on the case was reportedly put under surveillance by the National Police after visiting the Ministry of Defence to ask why the Ministry had not replied to a petition for information submitted by the victim's sister, Helen Mack, and to ask why the Ministry, which is responsible for collecting evidence had not taken testimonies from several people allegedly implicated in Myrna Mack's murder.

Judge María Eugenia Villaseñor is an appeals court judge who wrote a book critical of the handling of the case by the judicial system. The judge has also been involved in other human rights cases, and has been subjected to repeated death threats and acts of intimidation. She once had to flee the country, and in 1994 a police officer assigned to protect her was himself abducted, beaten and threatened. Judge Villaseñor was eventually transferred to Antigua, Department of Sacatepéquez where she is now hearing only civil cases, although her expertise lies in criminal law. The threats against her continue, and she fears for her safety.

On 18 March 1996 the Supreme Court denied a petition from Myrna Mack's sister to transfer the case to a civil court and resolved that a military judge should continue hearing the case against high-ranking military officers charged with intellectual responsibility for Myrna Mack's murder. On 11 July 1996 the alleged intellectual authors were released on bail. Amnesty International fears that those responsible may continue to benefit from impunity, given that on 30 July 1996 Judge Ennio Ventura ordered that the proceedings against the intellectual authors had to be conducted under the old penal code, a decision which would require the entire proceedings to start again. MINUGUA verified in its report of August 1996 that some witnesses and investigators continued to be followed and that the case was being heard in a climate of insecurity for those bringing the case against armed forces personnel implicated in the killing.

Jorge Carpio Nicolle, newspaper owner and publisher of *El Gráfico*, a national daily, and a leading politician, was shot and killed by 20 masked gunmen as he returned from a political rally in El Quiché department on 3 July 1993. Three others were also killed in the attack: Juan Vicente Villacorta, Alejandro Avila and Rigoberto Rivas. Jorge Carpio's widow, Marta Arrivillaga, who witnessed the events, claims that one of the men shouted "Kill Jorge, Kill Carpio". Since the killings took place, the four survivors, including Jorge Carpio's daughter-in-law, Karen Fischer de Carpio, and family members of the other victims, have been the subject of repeated death threats, acts of intimidation, and harassment. Judicial and security forces officials charged with the investigations into the killings have also been targeted. One of the latest acts of intimidation occurred on 12 April 1996 in front of the *El Gráfico* newspaper's offices. A hearse stopped outside the offices and five shots were fired at the building.

In June 1995 CERJ member Martín Pelicó Coxic was abducted, tortured and killed; forensic reports showed that he had head injuries and had been asphyxiated. Martín Pelicó from San Pedro Jocopilas, El Quiché department, had left his local CVDC three years earlier and had refused to pay fines imposed by the CVDC leadership for non-participation, and as a result was labelled a "subversive". The day he was killed, he had left his community at 3pm to buy parts for his car. Six hours later his body was thrown from a pick-up some 150 metres from his home. Witnesses identified the three men in the pick-up truck. The three, a military commissioner and two members of the CVDC all from San Pedro Jocopilas, were subsequently arrested and charged with homicide, but were released in July 1996 when the judge ordered the provisional closure of the case on the grounds of lack of evidence. This decision is currently being appealed by CERJ.

Martín Pelicó's wife and prosecution witnesses have been threatened by unidentified men and relatives of the accused. The lawyers acting for the Pelicó family have been followed by unidentified men. Two of those accused of killing Martín Pelicó are also implicated in the killing of Diego Velásquez Soc, a CERJ member from San Pedro Jocopilas who was shot and killed in May 1993. However, despite eyewitness identification of the perpetrators, no charges have been brought against them. Pedro Velásquez, Diego Velásquez' brother, has reported persistent harassment by members of the CVDC who come to his house in the early hours of the morning firing their rifles.

The body of evangelical pastor, Manuel Saquic Vásquez, was found in an unmarked grave on 7 July 1995. His throat had been slit and he had been stabbed 33 times. Manuel Saquic, coordinator of a Kaqchikel Maya Human Rights Committee in Panabajal, Chimaltenango Department, had "disappeared" following his abduction on 23 June. Residents of Panabajal are convinced that Manuel Saquic was killed in reprisal for his human rights work and because he was the sole witness to the previous short-term abduction of another member of the Human Rights Committee in Panabajal.

Manuel Saquic's death came nearly a year after another member of the Committee, Pascual Serech, was murdered in August 1994. Villagers believed that the same people were responsible for the two deaths. The judge assigned to investigate Pascual Serech's death was himself murdered in an execution-style shooting on 21 August 1994, just days after issuing arrest warrants for several people in connection with the case. A local military commissioner implicated in both the murder of the judge and Pascual Serech was arrested and held for two weeks before being released on bail. After he was freed, he made threats against several witnesses, including Manuel Saquic. In August 1995 an arrest warrant was again issued for this military commissioner, but he is in hiding and has not yet been rearrested and the case has not progressed. In the following months, relatives of Manuel Saquic received a number of death threats, along with other members of CIEDEG in Chimaltenango department, who are pushing for those responsible to be brought to justice.

In November 1995 César Ovidio Sánchez Aguilar, a member of the Myrna Mack Foundation, a human rights group established by Helen Mack after her sister's murder, was forced to go into hiding after receiving death threats from the local civil patrol. After organizing a workshop to look at the Accord on the Identity and Rights of Indigenous Peoples, signed in April 1995, as part of the peace negotiations, he was summoned to the office of the Mayor of the municipality of Santa Barbara, Huehuetenango, where he was criticized for working with the Foundation and accused of being a "guerrilla" by staff of the mayor's office and two members of the local civil patrol. On leaving the building, he was assaulted and threatened. A meeting organized with the local mayor the following week to discuss the incident had to be abandoned after members of the civil patrol insulted and threatened César Sánchez and his family. Members of MINUGUA present at the meeting were also threatened. César Sánchez and his family have now fled the community. None of the seven members of the civil patrol implicated have been imprisoned.

On 1 April 1996 Julio Ixmatá Tziquín, a representative of the human rights organization Mayan Defence, in the village of Guineales, municipality of Santa Catarina Ixtahuacán, Sololá department, was assaulted and threatened with death by members of the community after he went to take up his new position as municipal policeman in his community. The group was made up of the deputy mayor and the mayor's secretary as well as by the ex-military commissioners and leaders and members of the CVDC. The deputy mayor held Julio Ixmatá captive in his office for two hours. While detained he was beaten. When he was finally allowed to leave the office, the mayor's secretary reportedly called on the community to lynch him and burn him alive with petrol. While in hospital two days later in nearby Mazatenango, Julio Ixmatá Tziquín reported being harassed by individuals who he believes were sent by the authorities in Guineales. No one

has been brought to justice for the attack on Julio Ixmatá Tziquín, who has had to leave Guineales.

In many cases the pattern of intimidation against human rights defenders is an extension of repression suffered during the counter-insurgency campaign of the early 1980s. In June 1996 members of the community of Todos Santos in Huehuetenango were threatened by two CVDC commanders who entered a community gathering, drew up a list of all the people present and accused them of being guerrillas. The CVDC commanders had apparently mistaken the community meeting for a meeting of the newly formed human rights committee. Such threats exacerbate the wounds of a community in which some 85 people were massacred between 10 and 15 July 1982 and death lists used to circulate as a warning to those who were targeted for repression. The newly formed human rights committee in Todos Santos is made up of victims of past human rights violations.

In July 1996 MINUGUA, in its Fifth Report to the UN General Assembly, reported that the government had not adopted any special measures to provide guarantees or protection to those persons or organizations working in defence of human rights. The report added that no attempt had been made to find who was responsible for the threats and intimidation against these people and organizations. It also stated that human rights promotion continued to be equated with subversive activities in certain regions, especially by members of the security forces and civil defence patrols, and by former military commissioners. "While this message persists, individuals and organizations working on human rights will continue to be a particularly vulnerable sector."<sup>4</sup>

In August 1996 the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities "expressed deep concern that notwithstanding the entry into force of the Comprehensive Agreement on Human Rights ... that grave violations of human rights continue, which affect the right to life, the right to integrity and security of person and the right to freedom..." and expressed its concern that the "limitations of the judicial system in bringing those materially and intellectually responsible for human rights violations, means that the problem of impunity of such persons persists."<sup>5</sup>

### **Honduras: 'Ten years of repression'**

Human rights defenders in Honduras have repeatedly been targeted for human rights violations by members of the security forces as a result of their human rights advocacy and involvement in pressing for investigations into past gross human rights violations. They have been the victims of death threats, attacks, harassment and even extrajudicial executions in the past 10 years.

The administration of President Carlos Roberto Reina has pledged to end the prevailing impunity in the cases of "disappearances" and other gross human rights violations in Honduras. Following a landslide victory by the Liberal Party in elections in November 1993, President Reina took office on 27 January 1994. The Liberals also won a majority in Congress and strong representation in the new judiciary. President Reina, a former President of the Inter-American Court of Human Rights, came to power pledging to undertake a "moral revolution" in all aspects of government and an "end to impunity" for human rights violations. However, human rights monitors continue to suffer harassment and attacks as a result of their work.

At the same time there has been little progress towards ending impunity and bringing those responsible for human rights violations to justice. In only two cases have members of the security forces been charged in connection with human rights violations. In one case, 13 military officers have been charged with murdering two civilians in 1982 (12 have yet to be detained), and in the second case, in July 1995 the Special Prosecutor for Human rights charged 10 military officers with the attempted murder and unlawful detention of six students in 1982 (see the case of Milton Jiménez, below).

### **Organizations under attack**

Although Honduras was not afflicted with civil conflict to the extent of its neighbours El Salvador and Nicaragua, the years 1980-1984 were critical for human rights in Honduras. A reported 200 left-wing political activists were killed, and more than 100 people “disappeared”. There were few reports of “disappearances” and extrajudicial executions after 1984 but physical attacks, intimidation, harassment and death threats against trade unionists, community activists and human rights defenders in Honduras by shadowy right-wing groups continued unabated well into the 1990s.

## **CODEH**

The Committee for the Defence of Human Rights in Honduras (CODEH) is one of the leading independent human rights organizations in Honduras. Since the organization was formed in 1981, CODEH members have been the targets of attacks, death threats and even “disappearances”. José Eduardo López, a journalist and former CODEH vice-president, “disappeared” on 24 December 1984. He was an outspoken government critic and had written many articles on poverty in Honduras. In 1981 he was detained for five days and tortured by the security forces. On his release he received death threats and in 1982 he fled the country and applied for refugee status in Canada. His application was rejected and he returned to Honduras, where he continued to receive death threats from alleged “death squads”. In April 1984 he gave a statement to CODEH in which he said that the security forces would be responsible for anything that might befall him. On 24 December 1984 he was abducted by individuals believed to be police officers from the National Directorate of Investigations (DNI). His whereabouts remain unknown and no one has been brought to justice for his “disappearance”.<sup>6</sup>

In September 1986 CODEH publicized a “death list” believed to have been drawn up by Battalion 3-16, a military intelligence body which the government claimed to have disbanded following allegations of its involvement in human rights violations in the early 1980s. The list named 17 human rights defenders, including CODEH President Dr Ramón Custodio. Many of those named on the list subsequently received death threats, usually by telephone. CODEH’s offices were firebombed twice in September 1986 and Dr Custodio was sent a bouquet of white flowers with a note saying that his days were numbered. In November 1986 a parcel bomb was sent to his office in San Pedro Sula.

Mario Guifarro, a CODEH worker in La Ceiba, department of Atlántida, was reportedly abducted by four armed men in July 1987 and questioned about his human rights activities. He was reportedly subjected to “Russian roulette” with a revolver held to his head. He was released after 36 hours and abandoned on a road far from his home.

During 1987 a smear campaign was launched, through posters and newspapers advertisements, claiming that CODEH workers and prominent government opponents were engaged in “anti-democratic activities”. Some of these accusations were published in the name of groups calling themselves the Free Honduras Movement and the Honduran Committee for Peace and Democracy. One of those named on a poster was Miguel Ángel Pavón Salazar, member of the Honduran Congress and president of the San Pedro Sula chapter of CODEH. In October 1987 Miguel Ángel Pavón Salazar had testified before the Inter-American Court of Human Rights in the case of Ángel Manfredo Velásquez Rodríguez, a Honduran student who “disappeared” in December 1981, and Saúl Godínez Cruz, a Honduran teacher who “disappeared” in July 1982. The Court found in July 1988 and January 1989 that the Honduran Government was in breach of several articles of the American Convention on Human Rights and ordered it to pay compensation to the families of the “disappeared” men.<sup>7</sup>

Miguel Ángel Pavón was murdered in San Pedro Sula on 14 January 1988 by an armed man in civilian clothing, believed to be a member of the security forces. Moisés Landaverde, a teacher and trade union official was killed with him.

In June 1987, six months before he was killed, Miguel Ángel Pavón had written in a press article: “The people who with their attacks try to break the will of those of us who work in CODEH... are wasting their time, because this committee will exist as long as there are causes and people in Honduras who damage the dignity of the most humble of Hondurans.”

Miguel Ángel Pavón’s family, his colleagues in CODEH and former members of the military attributed the killings to Battalion 3-16. The case is still under investigation but there has been no apparent progress towards bringing those responsible to justice.

New posters appeared in Tegucigalpa in April 1988 accusing 22 trade union, human rights and student leaders of “sowing the seeds of hate, terror and destruction” in Honduras. They were signed by the Alliance for Anti-Communist Action (AAA). Threatening slogans and AAA insignia were painted on CODEH’s office in Tegucigalpa and Dr Custodio’s house in July 1988.

On 2 January 1989 a car belonging to María Elena Espinoza de Custodio, Ramón Custodio’s wife who also works for CODEH, was severely damaged by a bullet apparently fired from a high-powered weapon. No one was injured. Eighteen months earlier María Elena Espinoza de Custodio had been attacked by an unidentified man as she opened the door to the CODEH office. She was kicked but was not seriously injured.

In October 1996 there was a further attack on Ramón Custodio. On 12 October bombs exploded in two clinical laboratories owned by him. Earlier that week he had denounced that those responsible for a bombing campaign in Honduras were connected to the military. The authorities took several hours to respond to the explosions and visit the laboratories.

On 4 March 1994 Jorge Alberto Sierra Moncada, a member of CODEH, was harassed and threatened by a gunman in a bar in San Pedro Sula.

Jorge Sierra Moncada made repeated attempts to register the incident and make a formal complaint but officials of the DNI and the Regional Transport Directorate were said to be “unavailable”. A complaint was finally presented to the Third District Court by CODEH on 11 March. After the case was presented, several officials allegedly commented that the victim himself was to blame because of his activities and implied that the incident was not serious.

Andrés Pavón Murillo, regional president of CODEH in the municipality of La Ceiba, Department of Atlántida, was threatened with death by an unidentified gunman on 20 November 1994. The threats followed efforts by CODEH to clarify the “disappearance” and killing of Orlando Jiménez Antúnez. He “disappeared” on 16 September 1994 in the village of Elixir, department of Colón; his body was found in an unmarked grave on 17 November 1994. The house of Andrés Pavón Murillo had been under surveillance since CODEH publicized the “disappearance”.

On 27 March 1996 the house of CODEH’s lawyer Abencio Fernández was broken into by unidentified persons. Some of his possessions were stolen but it is believed that the motive for the burglary was intimidation. Abencio Fernández had been receiving telephone death threats and was reportedly under surveillance by unidentified persons believed to be members of the Public Security Forces (FSP).

## **COFADEH**

The Committee of Relatives of the “Disappeared” in Honduras (COFADEH), a leading human rights organization, has been campaigning on behalf of their missing relatives and for all human rights in Honduras since the early 1980s.

The “disappearance” of Roger González in April 1988 was the first documented in Honduras for several years and his case was taken up by COFADEH. Roger González worked for the Honduran Forestry Development Corporation and was a student at the Business Management Institute. In October 1988 General Humberto Regalado Hernández, then head of the armed



forces, publicly stated that Roger González was “in hiding abroad”. He suggested that Roger González might be killed by groups which wished to make him into a martyr.

In response, Berta Oliva, COFADEH’s general coordinator, told the press that until evidence emerged to the contrary, COFADEH would consider the armed forces responsible for the “disappearance” of Roger González.<sup>9</sup> On 10 October several armed men in plain clothes and reportedly DNI agents visited COFADEH offices in Tegucigalpa, pointed guns at the person who opened the door and told her, in insulting language, that unless COFADEH stopped campaigning for Roger González, Berta Oliva would be the next person to “disappear”.

On 2 March 1994 Berta Oliva de Nativí was making a telephone call when the line was intercepted by a man who identified himself as a “colonel”. The caller threatened to “disappear” and kill Berta Oliva and her family. The telephone threats were repeated on several occasions the same day and again on 14 March. A funeral march was played during the telephone calls.

Marco Tulio López Hernández, the son of COFADEH president Liduvina Hernández, left Honduras in November 1990, reportedly because he was receiving death threats. He returned in June 1991 to organize a conference on human rights for the International Association against Torture. Shortly after his return he reportedly told his family that he felt he was being watched. On 22 July 1991 he was shot dead in San Pedro Sula by a man in plain-clothes.

The police subsequently produced a man they accused of the killings at a press conference. The alleged killer confessed and claimed that he had killed Marco Tulio López because he had not paid a loan. The man accused of the killing was reported to have later retracted his statement. COFADEH and other human rights groups in Honduras believed that the assassination was politically motivated. Nine years earlier Marco Tulio López’ brother had “disappeared” after being detained near the Honduras/Nicaragua border.

Between 11 and 15 March 1994, Dina Meetabel Meza Elvir, press officer at COFADEH, was followed by an unknown individual in a car with tinted windows. The same man was seen watching her home during this time.

A recorded telephone death threat against members of COFADEH was left on their answering machine on 27 June 1994. The message said: “This is the first warning: listen bitches, stop searching for your puppies because they are dead”. They were told to stop talking to the press or they would be the next to “disappear”.

In early 1995 COFADEH received reports of an armed forces plan to kill Leonel Casco Gutiérrez, their human rights education officer. Leonel Casco was reportedly under surveillance by unidentified men on motorcycles in January 1995.

In March 1995, during their monthly march to commemorate their missing relatives, COFADEH members were reportedly followed by members of the “disbanded” Battalion 3-16.

### **Legal professionals targeted**

Increasingly since 1993 members of the judiciary and governmental agencies active in clarifying human rights violations are also reported to have received threats from members of the security forces.

In 1993 Linda Lizzy Rivera was the prosecuting lawyer in the trial of two military officers who were convicted of involvement in the case of Riccy Mabel Martínez, a 16-year-old student who was raped and killed by military officers in 1991. During the trial, Linda Lizzy Rivera’s daughter was attacked in the street by unidentified persons who kicked and beat her as she lay on the ground and stole her watch. One of the assailants had reportedly been seen near her daughter’s school, the day before the attack. Linda Lizzy Rivera believed the attack was intended to intimidate her.

Judge María Antonieta Mendoza de Castro, of the Second Criminal Court in Comayagüela, where the trial took place, received death threats. Minutes after sentencing the military officers, Judge Mendoza received a telephone death threat. In October 1996 the First

Appeals Court annulled the sentences, alleging that the facts against the military officers convicted could not be proved.

In November 1995, Judge Roy Medina announced that he had been receiving death threats since issuing arrest warrants in October 1995 against three of the military officers accused of abducting Milton Jiménez Puerto (see below) and five other university students in 1982. In February 1996 Carlos Roberto Matute Torres, a member of the Public Security Forces (FSP), was killed by an unidentified man. Matute Torres had been assigned to protect Judge Roy Medina.

Members of the office of the National Commissioner for the Protection of Human Rights, including the Commissioner himself, have also been the targets of abuses allegedly at the hands of members of the security forces. Leo Valladares Lanza, Human Rights Commissioner, received an anonymous telephone death threat on 1 March 1994. He had earlier reported receiving similar death threats in December 1993 when his office published *The Facts Speak for Themselves*, a 1,000-page report into past “disappearances” in Honduras.

In May 1995 Leo Valladares Lanza held a press conference. He told reporters that since taking over as National Commissioner for the Protection of Human Rights, he and his family had been under constant threat. The Commissioner said that he had had to send two of his children abroad for their safety.

Reports indicate that on 18 March 1996, Public Ministry attorneys Yadira Deras and Edwin Noel Ramos Ventura, were followed by an FSP captain in a car with tinted windows, when they were travelling from La Lima to El Progreso. A day later the FSP captain threatened attorney Yadira Deras by telling her that “if he wanted to kill her, he would have done it and nothing would have happened to him”. The FSP captain has been implicated in the death of an alleged car thief, Manuel Antúnez, his son and a cab driver, on 23 February 1996. There is strong evidence that members of the security forces have been involved in a national network of car thefts. In April 1996 Rolando Milla, regional representative of the Commissioner’s office, was threatened with death by unidentified individuals believed to be connected to the death of Manuel Antúnez.

On 2 August 1996 Sonia Dubón de Flores, Prosecutor for Human Rights, and Reina Rivera, Deputy Prosecutor for Human Rights, made public the findings of their investigations into secret files kept by members of the army’s intelligence Battalion 3-16 during the last decade. The attorneys, who are investigating military officers implicated in human rights violations, stated that the files contained photographs, house plans and other private details of the lives of several civilians, including themselves, who, they discovered, had been the subject of military surveillance during the past few years. A spokesman for the armed forces said that “the fact that we have files on personalities does not mean we consider them as enemies of the armed forces” but that they are kept “to prevent any action against them”.

Police agents from the DNI detained lawyer Milton Jiménez Puerto hours after the killing of former armed forces commander-in-chief General Gustavo Álvarez Martínez on 25 January 1989. He was released without charge the following morning. He was one of several witnesses appearing before the Inter-American Court of Human Rights in October 1987 to testify in the case of the “disappearance” of Ángel Manfredo Velásquez Rodríguez and Saúl Godínez (see above).

Milton Jiménez Puerto was first detained in April 1982 while he was a student. He and five other students were abducted by armed men in civilian clothing and subsequently “disappeared” for four days during which time they were subjected to mock executions, deprived of food and interrogated about his involvement in the students’ union. He was then moved with one other detainee, Adán Guillermo López, to El Manchén prison and charged with “antisocial and totalitarian activities against the democratic and representative government of the state of Honduras”. They were released on bail 10 days later, but judicial proceedings against them continued until December 1983, when the charges were dismissed<sup>10</sup>. Ten military officers,

retired and in active service, were charged in July 1995 in connection with the abduction and torture of the six students. Milton Jiménez Puerto will be a key witness in their trial.

## **II HUMAN RIGHTS DEFENDERS IN MEXICO**

### **Human rights defenders: the new victims**

“They bark Sancho, therefore we are riding”

Miguel Cervantes, *Don Quixote*

Human rights defenders represent a growing and indisputably important sector of Mexican public life. Active in the documentation, protection, and promotion of human rights, frequently working as members of non-governmental organizations, they come from all walks of life. Academics, journalists, Roman Catholic bishops and Indian peasant leaders have not only campaigned on behalf of thousands of victims of human rights violations, but have forced the government to acknowledge the seriousness of the problem. In recent times, human rights defenders have played a key role in preventing an escalation of human rights violations in the context of the January 1994 armed conflict in the state of Chiapas, and helping to broker ongoing peace talks between the Mexican Government and the armed opposition Zapatista National Liberation Army (EZLN).

The growth of human rights activism in Mexico, both in terms of the number of activists and of non-governmental organizations dedicated to this work, has helped ensure the dissemination of human rights principles and practice, which have been increasingly assimilated by other organizations, including political parties, labour unions, Indian communities and minority groups. Even the government has been forced to adopt the language of human rights as public demand for respect for those rights grows.

Such a welcome development, while widely praised in Mexico and abroad, has had its cost: human rights defenders in Mexico have become victims of human rights violations. The most frequent abuses include threats, intimidation, harassment and attacks, although some human rights defenders have been killed and another has recently “disappeared”. Amnesty International is committed to campaigning against this alarming trend.

There has also been a significant increase of gross human rights violations, including torture and extrajudicial execution, suffered by a wide range of social and political activists, often for embracing the cause of human rights. Although the victims come from all walks of life, those most frequently targeted are Indian or peasant activists demanding land tenure.

This chapter does not document the rich history of human rights activism in Mexico, which can be traced back to the first Indian freedom-fighters against the Spanish rule, nor does it describe the many and varied human rights organizations now active in Mexico. Instead, it highlights the growing number of human rights violations suffered by human rights defenders in Mexico. Amnesty International is alarmed by this pattern, and is calling on the Mexican Government for swift and effective action to stop the human rights violations suffered by human rights defenders, and the impunity enjoyed by perpetrators.

### **Impunity, the root of abuse**

The dramatic increase in the number of threats and attacks against Mexican human rights defenders during the past four years has thrown into sharp relief the extent to which impunity fuels the cycle of human rights violations.

In May 1990 the administration of President Carlos Salinas de Gortari faced a wave of national and international criticism following the extrajudicial execution of Dr Norma Corona Sapién, chairperson of the independent Sinaloa Commission for the Defence of Human Rights.

Norma Sapién was killed on 21 May 1990 by unidentified gunmen in Culiacán, capital of

the State of Sinaloa. She was reportedly killed because of her investigations into the involvement of judicial police officers in the abduction, torture and killing of a Mexican lawyer and three Venezuelan University teachers. In March 1990 Norma Sapién had received several death threats. She believed the threats came from local judicial police officers.

Norma Sapién was killed on the eve of the initial talks between Mexico, the USA and Canada for the signing of the North American Free Trade Agreement (NAFTA). The public outcry which followed her death forced the Mexican Government to adopt swift measures to improve its human rights image. President Salinas promised to stop human rights violations in Mexico and to end the impunity enjoyed by those responsible. The government created the National Human Rights Commission (CNDH), and adopted legal and administrative measures designed to prevent human rights violations.

Nevertheless, human rights violations continued virtually unabated. The fact that human rights violations have continued despite legislative and administrative improvements, including the creation of the CNDH and the establishment of governmental human rights commissions in every state, has fuelled speculation that the government's professed commitment to human rights is merely a public relations exercise. The growing number of attacks suffered by human rights defenders would support this view.

One of the first tasks of the CNDH was to investigate the murder of Norma Corona Sapién, publicize its findings and make recommendations to the relevant authorities; the CNDH does not have the power to bring prosecutions. Several police agents, including a high-ranking federal judicial police officer, were arrested and charged with her murder, although the investigations were marred by serious irregularities, including the extraction of confessions under torture. The judicial police commander is still in prison awaiting sentencing despite the lack of evidence linking him to the murder. Under Mexican law the courts must issue a sentence within one year of arrest. This has led to accusations that some of those arrested may be scapegoats.

The impunity enjoyed by those responsible for the threats and attacks on Mexican human rights defenders is a very serious problem. The authorities have denied all responsibility for these abuses but have failed to fully investigate such cases or punish those responsible.

The lack of effective action on the part of the authorities has resulted in a worsening of the human rights situation in Mexico. Since December 1994, when President Zedillo Ponce de León took power, Amnesty International has documented more reports of threats against human rights defenders in Mexico than at any time during three decades of research into human rights violations in the country. In almost none of these cases have the perpetrators been brought to justice.

### **Threats, attacks and intimidation on the increase**

In November 1995 Amnesty International organized a meeting in Mexico City with non-governmental organizations working on human rights from different regions of Mexico. During the meeting, it emerged that nearly all of the organizations present had recently suffered intimidation, threats and even attacks because of their work. Many had failed to make this public or present formal complaints in the belief that they had been victims of isolated incidents. Instead, the participants concluded, they were victims of a new, alarming and worsening pattern of abuse. This was confirmed in a similar meeting organized by Amnesty International in Mexico City in June 1996.

Another component of this pattern of abuse is official reluctance to take effective action when formal complaints are made. The Amnesty International delegation which visited Mexico in November 1995 was alarmed when some officials interviewed cast doubt on the credibility of the complaints.

Even prominent clergy involved in human rights work have been threatened and attacked. On 29 June 1995 gunmen opened fire on Roman Catholic Bishop Arturo Lona Reyes, a well

known human rights defender and chairperson of the Tepeyac Human Rights Centre in Tehuantepec, Oaxaca. Bishop Reyes was returning from a visit to remote Zapoteco Indian communities when his car was shot at several times. Five individuals, reportedly hired by local landowners, were detained by fellow members of their community. Four are in detention awaiting charges.

The authorities claim that the motive for the attack was robbery, despite death threats made against Bishop Reyes in previous days, and the fact that the attackers made no attempt to stop the vehicle but instead aimed directly at the bishop. The public outcry which followed this incident prompted the authorities to offer the bishop bodyguards. In early September 1995, after he had again received anonymous threats, unidentified men tried unsuccessfully to intercept the bishop's car while he was travelling in a remote region. Following an international campaign, threats against the bishop and other members of the Tepeyac Human Rights Centre ceased.

Don Samuel Ruiz, also a Roman Catholic bishop, has been targeted because of his work on behalf of the indigenous peasants in the state of Chiapas. Bishop Ruiz is based in San Cristóbal de las Casas, where he helped to found the independent "Fray Bartolomé de las Casas" Human Rights Centre. He also played an important role in ongoing peace negotiations between the Mexican Government and the EZLN. Over the years he and other members of his diocese engaged in human rights work have been threatened with death and attacked by hired gunmen, local landowners and even local officials. On 19 February 1995 scores of the governmental Institutional Revolutionary Party (PRI) supporters in San Cristóbal de las Casas demonstrated — with apparent official acquiescence — against Bishop Samuel Ruiz. They shouted abuse, made death threats and threw stones and other objects at the door of the cathedral. Despite government assurances about the bishop's safety, the threats have continued. On 2 August 1996 he escaped an attack by unidentified men who tried to stop his car near the town of Chamula. Members of Bishop Ruiz' diocese who have been targeted for their human rights work include three Catholic priests — Loren Riebe, from the USA, Jorge Barón, from Argentina and Rodolfo Izal, from Spain — who were summarily expelled from Mexico after being arbitrarily arrested in June 1995. The three had helped to promote the welfare of local Indian peasants in their respective parishes. Father Izal had helped victims of human rights violations perpetrated by members by the Mexican army stationed in his community of Sabanilla since December 1994. Father Riebe had lived in Chiapas for 19 years before his expulsion and had trained local Indian communities in organic agriculture.

The government's decision to deport the priests was based solely on unfounded accusations from local landowners that they had engaged in political activities. Under Article 33 of the Mexican Constitution the authorities may expel foreigners who engage in open political activism. Although ill-defined, Article 33 is normally interpreted as applying to foreigners' involvement in Mexican party politics. The three priests have appealed against their deportation but as of October 1996 the authorities had not overturned their decision.

On 5 May 1996 several other members of Bishop Samuel Ruiz' diocese and activists of the Centre for Indigenous Rights based in the community of San Jerónimo, municipality of Bachajón, had to flee their homes following an attack by members of a paramilitary group known as Los Chinchulines. The paramilitaries are linked to the local PRI, which had threatened to kill Father José Avilés, chairperson of the centre, and other priests and human rights activists. The following day paramilitaries threatened Rafael Vera, the assistant Bishop of San Cristóbal de las Casas when he tried to intervene to stop the violence. Several houses were burned during the attack, and the victims could only return to the community days later following national and international appeals on their behalf.

María Teresa Jardí, a prominent human rights lawyer has been repeatedly threatened because of her investigations into human rights violations. In March 1996 Héctor Gutiérrez Ugalde, who was assisting Teresa Jardí's son, Dr Julián Andrade Jardí, to carry out human rights

research, was abducted by unidentified men in Mexico City. He was brutally beaten and told that Dr. Julián A. Jardí and his mother would be killed for their work. The authorities offered protection to Teresa Jardí, but those responsible have not been brought to justice. A week later she received more telephone death threats. In June 1996 she was a victim of a smear campaign in a local newspaper which published a series of threatening articles about Teresa Jardí and other human rights workers. Following a libel case, the newspaper's editor formally apologized to Teresa Jardí. The journalist responsible for the articles told the prosecutor that he had received the information from the Subdirectorato of Social Communication in Los Pinos, the Presidential headquarters in Mexico City. This has not been officially denied.

Father David Fernández, a Jesuit priest and head of the Augustín Pro-Juárez Human Rights Centre (PRODH), a non-governmental organization in Mexico City, was threatened with death in August 1995 after he publicly denounced a campaign against human rights and grass-roots activists sponsored by governmental agencies, including the National Coordination of Public Security (CNSP). Other PRODH members have also received death threats. On 10 August 1996 human rights lawyers Pilar Noriega and Digna Ochoa received lengthy death threats in an anonymous communiqué sent to PRODH's Mexico City office. The communiqué stated that all PRODH workers would be killed, starting with the two lawyers. On 23 September 1996 the two lawyers received further death threats. These threats against PRODH members are apparently related to their work on behalf of 15 people detained in February 1995 in Yanga, State of Veracruz, and Cacalomacán, State of Mexico. The 15 were imprisoned because they confessed under brutal torture to links with the EZLN. Those responsible have not been brought to justice.

Pilar Noriega received further death threats on 7 October, while she was travelling to a meeting in Washington with the Inter-American Commission on Human Rights to present information about three extrajudicial executions carried out by the Mexican army in Chiapas in 1994. On 9 October Víctor Brenes, also a PRODH member received anonymous threats that he and his family would be killed. These threats displayed extensive information about the victims' personal and professional lives, suggesting intelligence work such as telephone tapping.

In March 1996 Liliana Flores Benavídez a leader of El Barzón, which campaigns for social and economic rights, began receiving death threats. The threats were related to a campaign she began in Monterrey, Nuevo León state, after the national newspaper Excelsior published a list naming dozens of political and social activists, including human rights workers, alleging they were involved in "subversive" activities. The list is believed to have been prepared by the Interior Ministry. At the beginning of July 1996 Liliana Flores Benavídez was repeatedly followed and harassed by several unidentified men believed to be police officers, some of whom parked outside her office and home. On 9 July a bomb was discovered in her office in El Barzón in Monterrey. Two staff members of El Barzón, Nancy Rodríguez Villareal and Marta Rodríguez Martínez, had received death threats the day before the bomb was found. Those responsible remain at large.

Araceli Muñoz is a human rights activist and a member of the Christian Action for the Abolition of Torture (ACAT), an international organization with an office in Mexico City. On 30 July 1996 she received a series of death threats because of ACAT's work on behalf of José Nava Andrade, one of many recent victims of brutal torture in Guerrero State, one of the many states where the security forces are attempting to clamp down on the Popular Revolutionary Army (EPR), an armed opposition group which made its first public appearance in June 1996. Scores of civil rights and peasant activists have been targeted by the security forces in Guerrero and other states, in the context of a witch-hunt by the security forces against people suspect of supporting the EPR. An anonymous caller threatened to kill her and all her family unless ACAT stopped its campaign for José Nava Andrade.

Scores of journalists reporting on human rights or civic issues have been targeted by the Mexican security forces. For example, Fabiola Cancino de los Santos, a journalist in Mexico City

specializing in human rights issues, was threatened with death by seven heavily armed men who broke into her house on 5 July 1996. They forced everyone in the house, including a two-year-old child, to lie face down on the floor and hurled abuse at Fabiola Cancino de los Santos. They said this was a warning, and threatened to kill her if she continued with her reporting. Those responsible have not been brought to justice.

On 17 September 1996 Razhy Gonzalez, director of the weekly magazine *Contrapunto*, was abducted near the centre of the town of Oaxaca by four heavily armed men believed to be police officers. He “disappeared” for two days, during which time he was tortured in a secret detention centre and interrogated about his work. His abductors threatened to kill him and his family before releasing him.

Alfredo Zepeda, a Jesuit priest, and Concepción Hernández Méndez have suffered increasing threats and harassment for their role as leading members of the Xochitépetl Human Rights Group and the Human Rights Committee for the Mountains of Northern Veracruz, respectively. Both organizations are based in Huayacocotla, Veracruz State, and campaign for human rights protection and promotion, mostly on behalf of impoverished peasants of the Otomí, Nahuatl and Tepehua Indian communities in the Huasteca region. Local landowners, who have taken over substantial indigenous lands, have stepped up a campaign of intimidation against human rights workers in the region. In May 1996 they ran a smear campaign in the local media, accusing Alfredo Zepeda and Concepción Hernández Méndez of murdering a regional landowner and calling for reprisals against them. Although the Roman Catholic bishop in the region made public statements on 16 May condemning the false accusations and supporting their work, Alfredo Zepeda and Concepción Hernández Méndez have continued to receive anonymous death threats.

### **Extrajudicial execution and ‘disappearance’ of human rights defenders**

The killing of Dr Norma Corona Sapién marked the beginning of a campaign aimed at silencing prominent human rights defenders. While scores have been threatened and harassed, some human rights defenders have paid with their lives.

On 9 June 1995 Dr Abraham Polo Uscanga, a former judge, “disappeared”. Two weeks later his body was found in his office. He had been killed with a single shot in the back of the head. Judge Abraham Polo Uscanga was a member of the Federal District’s Supreme Court, who was targeted for his outspoken criticism against widespread abuses by the judiciary. He had been cautioned in January 1994 after he acquitted eight people falsely accused of terrorism, some of whom had confessed under torture. In March 1995 Dr Uscanga refused to issue arrest warrants for leaders of SUTAUR-100, an independent union formed by bus drivers and mechanics in Mexico City’s public transport, on reportedly unfounded charges filed in 1991. The union had recently carried out industrial action against government plans to privatize transport in the Federal District, and the authorities are believed to have targeted its leaders to prevent further actions.

Dr Uscanga resigned from his post on 1 April 1995 after being put under pressure to change his ruling. He was replaced by a judge who shortly afterwards issued arrest warrants against the SUTAUR-100 union leaders. Adalberto Loza Gutiérrez, Filemón Ponce Cerón, Eduardo Hernández Quiróz, Cristóbal Flores de la Huerta, Octaviano Sánchez Palma and Ricardo Barco, the union’s legal adviser, were arbitrarily arrested on 8 April 1995. On 13 June 1995, six other SUTAUR-100 union activists were also arbitrarily arrested: Gabino Camacho, Ernesto Ávila, Eduardo Jauregui, Arcos del Razo, Jorge Núñez and Hilario Carabantes. Amnesty International adopted them as prisoners of conscience.

The attacks against Dr Uscanga continued after his resignation. On the evening of 27 April 1995 he was abducted from a street in Mexico City by unidentified armed men. He was forced into a vehicle, blindfolded, and driven to a rubbish dump, where he was beaten and

stabbed with a knife. He was interrogated about his political affiliation, and about why he had made public his complaints against the chief justice of the Federal District's Supreme Court. He was warned not to make any further complaints and released on that same night. As a result of the attack Dr Uscanga needed hospital treatment. Despite the threats, Dr Uscanga publicized what had happened; he reportedly received further anonymous threats and was the victim of further harassment. He accused the head of the Federal District's Supreme Court of masterminding the threats and attacks against him.

On the evening of 9 June 1995 Dr Uscanga's relatives reported that he had gone missing. His body, bearing a single gunshot wound to the back of the head, was discovered on 20 June in his office. Those responsible have not been brought to justice.

The head of the Federal District's Supreme Court resigned weeks after Dr Uscanga's murder, but his alleged involvement in the attacks was not investigated. The official project to privatize Mexico City's public transport continued and the union leaders remained in prison until 10 July 1996, when they were released on bail following a growing national and international campaign on their behalf.

Cuahutemoc Ornelas Campos is one of the scores of journalists who have been targeted for denouncing human rights violations and corruption by the authorities. He "disappeared" on 4 October 1995 in Torreón, Coahuila State, where he worked as the editor of *Adelante*, a news magazine. He had previously received threats for his outspoken criticism of local and state authorities of Coahuila and Durango. Following a national and international campaign on his behalf in November 1995, the state authorities established a special prosecutor in November 1995 to investigate the case. However, Cuahutemoc Ornelas Campos remains "disappeared".

### **Imprisoned human rights defenders**

Some people have been imprisoned for their stance on behalf of human rights.

Brigadier General José Francisco Gallardo, a prisoner of conscience, has remained in a military prison since his arrest on 9 November 1993, after he published an article in the journal *Forum* criticizing human rights abuses by members of the Mexican Army and calling for the creation of a human rights Ombudsman for the armed forces. He remains imprisoned in the Military Camp Number One, on the outskirts of Mexico City. He was charged with several offences including defamation. Although these charges were dismissed in court, the Mexican Army responded by presenting new charges which have prevented his release.

Manuel Manríquez San Agustín, an Otomí Indian, has been in prison since June 1990. He was arbitrarily arrested and tortured by members of the Federal District's Judicial Police, who falsely accused him of murder. He confessed to the charge under torture, despite the lack of any evidence against him. He didn't speak Spanish at the time and had no access to an interpreter. Amnesty International believes he was targeted by the police for his ethnic and socio-economic background (because he was a non-Spanish speaker, without resources nor connections to defend himself). The judge in his case accepted his forced confession as proof of his guilt, despite medical evidence of the torture he had suffered. He was sentenced in 1991 to 24 years' imprisonment. The sentence was confirmed on appeal in 1992, even after relatives of the murdered victim had confirmed San Agustín's innocence and the CNDH had issued a public statement certifying the torture he had suffered. One of those involved in Manuel Manríquez San Agustín's arbitrary arrest and torture, a member of the Federal District's Judicial Police, has since been arrested and is in prison awaiting trial on charges of abuse of authority.

Since his arrest, Manuel Manríquez San Agustín has learned to speak Spanish and has become a leading activist on behalf of the rights of imprisoned people in Mexico. In September 1991 he and other prisoners founded the Indigenous and Peasant Defence Committee of the Ricardo López Juárez Human Rights Committee to monitor and campaign on behalf of imprisoned peasants and Indians whose rights have been trampled on by the administration of



justice system throughout Mexico. In March 1994 a recurso de amparo (writ of habeas corpus) was presented on his behalf before the Federal District's Supreme Court contesting the legality of his sentence. This was rejected by the court in September 1994. This ruling was appealed in October 1994; the appeal was denied in January 1996.

Fortino Mendoza, José Carrillo Conde and Gerardo Demesa Padilla are leading members of the Committee for the Unity of Tepoztlán (CUT), a civil rights organization opposing a large tourism development project, including a golf course, in their community in Morelos State. The project is sponsored by the state's central government, some of whose members reportedly have connections with the private investors on the project. The Tepoztlán people, many of whom are Nahuatl Indians, claim that the multi-million dollar project will damage their community's environment and cultural heritage, and have therefore rejected central government plans to impose the project. The three men have been accused of killing a supporter of the project in December 1995, despite witnesses' accounts and forensic evidence substantiating their claims of innocence.

The people of Tepoztlán have suffered brutal repression for their opposition to the central government project. On 10 April 1996 hundreds of Tepoztecos, including CUT members, held a peaceful demonstration to protest against the project and call for the release of their leaders. The Morelos state police violently dispersed the demonstration leaving scores of people, including children and elderly women, seriously injured. One member of the community, CUT activist Marcos Olmedo Gutiérrez, was shot and wounded by the police, who took him away. His body was discovered the next day with a gunshot wound to the back of the head. Although several members of the state police were reportedly dismissed, the authorities failed to prosecute high-ranking officials who ordered the attack on the peaceful demonstrators.

While the three CUT leaders remained in prison in Cuernavaca awaiting trial, several members of their community have received threats from the authorities. On 1 and 2 July 1996 Leticia Moctezuma Vargas, a teacher and community activist, received anonymous death threats. Her daughters, Nana Laura, aged 13, and Anel, aged 11, were also threatened. The three had been brutally beaten by the police during the demonstration held on 10 April. Amnesty International campaigned for the immediate and unconditional release of Fortino Mendoza, José Carrillo Conde and Gerardo Demesa Padilla, and for an immediate end to threats and harassment suffered by the villagers of Tepoztlán. On 5 October Fortino Mendoza Ortiz and José Carrillo Conde were released from prison. Gerardo Demesa Padilla remained in detention at the time of writing.

### **III AMNESTY INTERNATIONAL'S RECOMMENDATIONS**

#### **I. Recommendations to the Governments of Central America and Mexico**

##### **Protect human rights defenders**

Governments should publicly recognize the legitimacy of the work of human rights defenders. Those human rights defenders at risk of abuse should be offered protection deemed appropriate by those under threat. The victims of human rights violations and their families should receive compensation.

In addition, Amnesty International calls on the Governments of Central America and Mexico to fully guarantee the following rights:

- \* Governments should implement legal and administrative reforms to ensure that there are no restrictions to the work and activities of human rights defenders in protecting and promoting human rights.
- \* The right to defend the fundamental rights and liberties of others, as well as one's own; the right to investigate violations of these rights and liberties, and the right to oppose such violations.
- \* The right to form or to join national or international groups or associations for the defence of human rights.

- \* The right to information, the right to meet with and to have freedom of expression and communication with other defenders.
- \* The right to choose to defend any or all human rights, on behalf of some or all of the groups or sectors in a society.
- \* The right to obtain and use the human, economic, technical and other resources necessary to guarantee the effective exercise of the right to defend human rights.
- \* The right of defenders to communicate freely and via those means deemed adequate with national or international organizations, inter-governmental as well as non-governmental.
- \* The right of defenders to organize and participate in activities aimed at promoting human rights.
- \* The right to use the law and the institutions of the state to defend human rights and to represent victims before the courts and other state institutions.
- \* The right to defend human rights which are already recognized and to advocate the recognition of new rights, beyond political, ideological, philosophical or religious considerations, on both the national and international level.

### **Promote human rights**

In order to protect and promote human rights, the Governments of Central America and Mexico should:

- \* Make public declarations recognizing the legitimacy and importance of the work of human rights defenders.
- \* Give full and active political support to teams of observers on the UN and OAS special missions that have been set up to monitor transition from conflict and human rights protection. Ensure, through representation to the UN and the OAS that these missions have the resources, powers and access to the necessary information to effectively carry out their mandate.
- \* Promote within the UN the finalization of a strong UN Declaration on Human Rights Defenders, which would give wide and universal recognition to defenders and the work they do, and support its subsequent adoption by the UN.

### **End impunity**

- \* Members of the security forces implicated in extrajudicial executions, “disappearances” or torture should be immediately suspended from any position of authority and from all duties in which they have contact with detainees or others at risk of human rights violations.
- \* Security force personnel against whom there is evidence of involvement in extrajudicial executions, “disappearances”, torture and ill-treatment, or other human rights violations should be prosecuted.
- \* Such crimes should not have any statute of limitations, and this principle should apply no matter how much time has elapsed since the commission of the crime. The perpetrators should not benefit from any legal measures exempting them from criminal prosecution or conviction.
- \* Investigations should establish chain-of-command responsibility for human rights violations and should establish patterns of human rights violations as well as individual cases. Anyone found to have ordered, committed or covered up human rights violations should be brought to justice.

- \* Governments should make special efforts to protect the security of relatives, witnesses, lawyers and journalists collaborating with investigations of human rights violations.

## **II. Recommendations to the OAS**

The Organization of American States (OAS) should recognize the particular situation of human rights defenders in the region and take steps to ensure that their rights are protected and that they are able to freely carry out their vital work.

At its next General Assembly, the OAS should:

- \* initiate the drafting of an Inter-American Declaration on the Protection of Human Rights Defenders;
- \* give public recognition to the contribution made by human rights defenders and NGOs to the promotion and protection of human rights in the region by granting NGOs greater access to the OAS.

The Inter-American Commission on Human Rights should examine its role in relation to promoting and protecting the rights of human rights defenders in the region by, for example:

- \* including the situation of human rights defenders as a focus in their visits to member states of the OAS;
- \* including a chapter in their annual report on the situation of human rights defenders in the region.

In addition the OAS should encourage its member states to actively support the finalization of a strong UN Declaration on Human Rights Defenders by attending the working group meeting in early 1997 and, further, by supporting its adoption by the UN.

## **APPENDIX: Final Declaration of the International Conference on the Protection of Human Rights Defenders in Latin America**

### **Bogotá, 25 May 1996**

The international conference on the protection of human rights defenders in Latin America and the Caribbean, organized by Amnesty International, took place in Bogotá, Colombia, from the 22nd to the 25th of May 1996. The Conference emphatically confirmed the principle that everyone has the right to defend human rights, and that the defence of these rights is an endeavour to be shared by all people.

Men and women, individually or collectively — in their homes, their places of work or study, through religious institutions, social or cultural organizations, trade unions, political parties or state institutions — whatever their philosophical beliefs or social origin, have the inalienable right to defend and promote each and every one of their human rights in the struggle to achieve a world in which all people will be free from “fear and want”.<sup>1</sup>

The Conference confirmed that in Latin America and the Caribbean, as well as in the other regions of the world, defenders have the right to oppose violations of all human rights peacefully and actively, to denounce violations when they take place and to give their support to the victims. Furthermore, human rights defenders must be free from political pressures in their efforts to obtain the consensus that enables a society to progress, and in furthering the adoption of initiatives that consolidate the rule of law. Defenders have to be able to contribute to the creation and implementation of mechanisms that protect us from the intolerance and arbitrariness, frequently found in the context of social conflict or authoritarianism, that undermine human rights in the region. The Conference emphasised the legitimacy of the work of human rights defenders in combatting all forms of impunity that benefit those who violate human rights,

particularly those amnesty laws that pervert the very nature of law and promote the cycle of violence that erodes the basis of democratic consensus.

The Conference observed that the fundamental conditions for the defence of human rights are not always found in the region. The defence and promotion of the rights of victims frequently endanger the defenders themselves, who in turn become victims of torture, murder, disappearance or imprisonment.

The Conference further observed that despite the extravagant pro-human rights rhetoric from governments that has characterised the process of political, social or economic transition in the region, there continues to be an enormous gap between discourse and reality. New forms of harassment and repression are being carried out, including smear campaigns against individuals and institutions, attempts to criminalize activities inherent in the defence of human rights, and the creation of legal obstacles to obtaining the means necessary to carry out the work. The Conference also noted that governments frequently create institutions in response to the diplomatic necessity of safeguarding their international image, rather than because of the effectiveness of such institutions in the defence and promotion of human rights.

The Conference concluded that the protection of human rights demands the recognition of the right to defend them, which is contained in a series of rights already recognized at the international level, fundamentally:

- \* The right to defend the fundamental rights and liberties of others, as well as one's own; the right to investigate violations of these rights and liberties, and the right to oppose such violations;
- \* The right to form or to join national or international groups or associations for the defence of human rights;
- \* The right to information, the right to meet with and to have freedom of expression and communication with other defenders;
- \* The right to choose to defend any or all human rights, on behalf of some or all of the groups or sectors in a society;
- \* The right to obtain and use the human, economic, technical and other resources necessary to guarantee the effective exercise of the right to defend human rights;
- \* The right of defenders to communicate freely and via those means deemed adequate with national or international organizations, intergovernmental as well as private.
- \* The right of defenders to participate in peaceful activities aimed at promoting human rights
- \* The right to use the law and the institutions of the state to defend human rights and to represent victims before the courts and other state institutions;
- \* The right to defend human rights which are already recognized and to advocate the recognition of new rights, beyond political, ideological, philosophical or religious considerations, on both the national and international level.

The Conference emphasised that it is the inescapable responsibility of state and intergovernmental bodies to guarantee the free exercise of the right to promote and defend human rights. States are fundamentally obliged to protect and promote this right, to prevent it from being threatened, restricted, or suppressed, and to protect the liberties and security of those who exercise it. In particular, the states of Latin America and the Caribbean should adopt urgently all means necessary for countering repressive actions or intimidation by government agents against defenders, their allies and organizations, and to take all means required to dismantle paramilitary groups that in some countries constitute a permanent threat to the work and security of human rights defenders. This protection should be extended to all those — such as accusers and witnesses, officials and judicial personnel — who contribute, even in a circumstantial manner, to the defence of human rights.

The Conference, while taking note of the important role played by the protection mechanisms established by intergovernmental bodies such as the United Nations and the Organization of American States, condemns the lack of international instruments that recognise, at the universal and the regional level, the individual and collective right to defend human rights. In this context, the Conference urges the UN Human Rights Commission to perfect, finalise and adopt, in the shortest time possible, the text of the Declaration on Human Rights Defenders that has been the subject of debate and discussion at the Commission for more than 11 years. The Declaration should contain the body of minimum guarantees cited above, which make the effective defence of human rights possible. The Conference also exhorts the Organization of American States to adopt a body of measures and norms that reflects the needs of the defence of human rights in the region, paying special attention to regional peculiarities.

Finally, the Conference calls on human rights defenders in Latin America and the Caribbean to continue in their countries the process initiated in Bogotá, and to promote similar processes in other regions of the world, with the objective of elaborating principles and plans of action that contribute to the effective protection of the right to defend human rights.

## ENDNOTES

- 1 CVDCs, formerly known as Patrullas de Autodefensa Civil (PAC), Civil Defence Patrols, are civilian auxiliaries of the armed forces. They were compulsory under previous governments, and are now ostensibly voluntary, although there have been reports of forced recruitment continuing. CVDC members have been accused of carrying out widespread human rights violations, including “disappearances”, extrajudicial executions, torture and harassment. In many cases those who refused to participate in the patrols were themselves subjected to human rights violations. In August 1996 the government announced the disbanding of the CVDCs, but the decree-law creating the CVDCs remains on the statute books and almost none of its members cited as having carried out human rights violations have been brought to justice.
- 2 The Comisionados Militares, military commissioners, were demobilized in September 1995, in line with the March 1994 Global Human Rights Accord. They had been implicated in numerous human rights violations, including murder. Local human rights groups fear that the commissioners, who are reportedly still armed, will continue operating as civilians, their formal dissolution merely serving as a de facto amnesty. Amnesty International has continued to receive information that former military commissioners continue to carry out human rights violations under orders from the armed forces.
- 3 Report of the UN Independent Expert on Guatemala to the UN Commission on Human Rights, para. 30, December 1995.
- 4 Paragraph 182 of the Fifth Report by the Director of the UN Mission for the Verification of Human Rights in Guatemala, August 1996.
- 5 Page 4 of the Statement by the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, given on 19 August 1996.
- 6 See “Disappearances” in Honduras: A wall of silence and indifference (AI Index: AMR 37/02/92), May 1992.
- 7 See “Disappearances” in Honduras: A wall of silence and indifference (AI Index: AMR 37/02/92), May 1992.
- 8 See Honduras: New decisions on “disappearances; new cases of “disappearance” (AI Index: AMR 37/03/89), June 1989.
- 9 COFADEH’s general coordinator, Berta Oliva, is the wife of trade union leader Tomás Nativí who “disappeared” after his detention in July 1981. Berta Oliva had also been active in the CODEH.
- 10 See Honduras: Continued struggle against impunity (AI Index: AMR 37/01/96), March 1996.

**KEYWORDS:** HUMAN RIGHTS DEFENDERS1 / HUMAN RIGHTS ACTIVISTS1 / EXTRAJUDICIAL EXECUTION1 / DISAPPEARANCES1 / HARASSMENT1 / TORTURE/ILL-TREATMENT1 / IMPUNITY1 / RELIGIOUS OFFICIALS - CATHOLIC1 / WOMEN1 / JOURNALISTS1 / FAMILIES1 / JUDGES1 / LAWYERS1 / TRADE UNIONISTS1 / MILITARY1 / PARAMILITARIES1 / ATTEMPTED ABDUCTION / SEXUAL ASSAULT / MASS KILLING / ARBITRARY ARREST / PRISONERS OF CONSCIENCE / CONFESSIONS / DEPORTATION / RELIGIOUS OFFICIALS - PROTESTANT / HOMOSEXUAL RIGHTS ACTIVISTS / TEACHERS / INDIGENOUS PEOPLES / TEACHERS / ANTHROPOLOGISTS / EDITORS / PUBLISHERS / POLITICIANS / COMMUNITY WORKERS / STUDENTS / PRIVATE SECURITY GUARDS AS VICTIMS / POLICE AS VICTIMS / FOREIGN NATIONALS / WITNESSES / POLICE / CIVIL DEFENCE / ARMED CIVILIANS / ATTACKS / ARMED CONFLICT / LAND PROBLEMS / BOMB ATTACKS / SURVEILLANCE / INVESTIGATION OF ABUSES / EXHUMATION / HABEAS CORPUS / NON-GOVERNMENTAL ORGANIZATIONS / INTERNATIONAL MEETINGS - AI / NATIONAL HUMAN RIGHTS COMMISSION / UN / OAS / EL SALVADOR / GUATEMALA / HONDURAS / MEXICO /

**Captions:**

*Front cover photograph:* Detail of a poster produced by the Canadian Section (francophone branch) of Amnesty International.

Marianella García Villas, President of CDHES, was killed in March 1983 by members of the armed forces.

Herbert Ernesto Anaya Sanabria was the Coordinator of CDHES when he was killed on 26 October 1987 by men in plain clothes.

A memorial to more than 200 people massacred by the security forces in Rio Negro, Baja Verapaz, 1982

CONAVIGUA member Rosa Pú Gómez was threatened at gunpoint.

Pictures of the “disappeared” on the walls of GAM’S office

Trade union leader Débora Guzmán suffered a year of threats and harassment because she campaigned against a factory closure.

Miguel Ángel Pavón was killed on 14 January 1988 in San Pedro Sula by an armed man in civilian clothing, believed to be a member of the security forces.

Berta Oliva, COFADEH’s general coordinator

Dr Abraham Polo Uscanga, a former judge, “disappeared” on 9 June 1995. He was found dead 11 days later.

Manuel Manríquez San Agustín, an Otomí Indian, has been in prison since 1991, on the basis of a confession extracted under torture. In prison he has learned to speak Spanish and has become a leading activist for prisoners' rights.

Alfredo Zepeda, a Jesuit priest, and Concepción Hernández have suffered increasing threats and harassment for their role as leading members of the Xochitépetl Human Rights Group and the Human Rights Committee for the Mountains of Northern Veracruz.

On 29 June 1995 gunmen opened fire on the Roman Catholic Bishop Arturo Lona Reyes, a well known human rights defender and chairperson of the Tepeyac Human Rights Centre in Tehuantepec, Oaxaca.

María Teresa Jardí, a prominent human rights lawyer, has been repeatedly threatened because of her investigations into human rights violations.