

Mexico

Ending the brutal cycle of violence against women in Ciudad Juárez and the city of Chihuahua

It is now almost 11 years since the brutal cycle of abductions and murders of young women began in Ciudad Juárez in northern Mexico. Over the last year there has been intense national and international pressure to stop violent crimes against women and to end the impunity with which many such crimes have been committed. In 2003, the Federal Government¹ finally began to implement a programme of measures to prevent and prosecute acts of violence against women in Ciudad Juárez.

Despite the positive steps that have been taken, Amnesty International has serious concerns on a number of key issues. Of particular concern is the failure to fully incorporate cases from the city of Chihuahua into the programme of measures; the absence of any judicial review of abuses, such as torture, resulting in apparent miscarriages of justice and impunity; insufficient action to integrate gender perspective into every element of preventive and investigative measures to combat violence against women; and the failure to halt smear campaigns and harassment of the victims' relatives and organizations working on their behalf.

In this report Amnesty International considers developments over the last year in the struggle to end violence against women in Ciudad Juárez and the city of Chihuahua and makes a number of recommendations to the authorities on issues that remain unresolved and need urgent attention.

Intolerable Killings

In August 2003, Amnesty International published a report focusing on the 10-year cycle of abductions and murders of girls and women in the cities of Ciudad Juárez and Chihuahua in northern Mexico: "*Intolerable Killings: 10 Years of abductions and murders of women in Ciudad Juárez and Chihuahua*"². The report documented more than 370 cases of women murdered in Ciudad Juárez and the Chihuahua City. Of those cases, AI research indicated that at least 137 of the victims suffered some form of sexual violence and at least 70 of the total number of women murdered remained unidentified. At least 70 other women or girls also remained unaccounted for after having been officially reported missing.

¹ The United States of Mexico is a federation consisting of 31 states and the Federal District of Mexico City. The Constitution establishes the following federal institutions: the Executive, Legislature and Judiciary. Each of the 31 states and the Federal District have their own constitution and their own executive, legislative and judicial system, together with their own penal codes. The states are divided into municipalities.

² AI Index: AMR41/026/2003

In August 2003 Amnesty International made three key recommendations to President Vicente Fox and other representatives of the federal and state authorities:

- Immediate and decisive intervention by the federal authorities to ensure justice in Ciudad Juárez and the city of Chihuahua and for the state and municipal authorities to cooperate fully with these steps;
- Independent judicial review of the cases so far investigated by the *Chihuahua Procuraduría General de Justicia del Estado* (PGJE), State Public Prosecutor's Office, or brought before the courts in order to correct miscarriages of justice; investigate and punish any official responsible for abuses and set in motion substantive reform of the system of administration and procuration of justice in the state of Chihuahua;
- Respect for the dignity of relatives and the organizations working for women's rights; prevention, investigation and punishment of intimidation or harassment against them; and public recognition of the legitimacy of their struggle.

While there has been important progress with regard to federal intervention, the three recommendations and the others contained in the report remain to be fully implemented.

2003

Human rights organizations have gathered information on at least 43 women murdered during 2003 in Ciudad Juárez and the city of Chihuahua. The State Public Prosecutor's Office officially recognised that there were nine "sexual murders" during the year in Ciudad Juárez, and Amnesty International has received information on at least three cases of abduction, rape and murder of young women in the city of Chihuahua over the same period.



In November DNA tests carried out by the *Procuraduría General de la República* (PGR), Federal Attorney General's Office, confirmed the identity of a body found on 15 July 2003 as that of **Neyra Azucena Cervantes** who went missing in the city of Chihuahua on 13 May 2003. The cousin of the victim, **Miguel David Meza**, remains in custody accused of her abduction, rape and murder. The accused alleges that he was arbitrarily detained and tortured into confessing to Neyra's killing. Amnesty International is unaware of any investigation into the allegation of torture or of any efforts to pursue other avenues of investigation.

Patricia Cervantes, mother of Neyra Azucena Cervantes. © Amnesty International Netherlands. December 2003

In the latter half of 2003 there were apparently fewer reported cases of abduction and murder of young women in Ciudad Juárez and Chihuahua. However, it is not possible to conclude that the measures introduced by the authorities to end the crimes have been successful as there have been similar fluctuations in the number of crimes over the last decade, often leading the authorities to claim that the perpetrators had been caught and the murders ended, only for bodies of new victims to be discovered.

Federal Government intervention

As a result of intense national and international pressure – including the publication of Amnesty International’s report by the Secretary General in Mexico in August 2003 - the Mexican Federal Government finally acknowledged its responsibility to intervene in Ciudad Juárez. A 40-point programme of measures to improve the administration of justice, public security, and programs to strengthen women’s rights in Ciudad Juárez were announced and have begun to be implemented. While it is too early to assess fully the effectiveness of many of these steps, the new federal engagement has been positive.

In December 2003 the Office of UN High Commissioner for Human Rights presented President Vicente Fox and his government with an analysis of the human rights situation in Mexico, which will serve as the basis for a National Human Rights Programme. The analysis highlights the pattern of violence against women in Ciudad Juárez and the city of Chihuahua and calls for: the implementation of recommendations by national and international organizations; the role of the new Special Commissioner (refer to page 5) to be strengthened; the spread of similar crimes to other parts of Mexico to be halted and the establishment of mechanisms to enable the federal authorities to intervene at state level when local authorities are obstructing justice. [Capítulo 7.2.1 *Ciudad Juárez como Símbolo: Diagnostico sobre la situación de los Derechos Humanos en México*, Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos en México ©2003]

In June 2003 the Federal Government set up the *Subcomisión de Coordinación y Enlace para Prevenir y Sancionar la Violencia Contra las Mujeres en Ciudad Juárez*, Subcommission for the Coordination of the Prevention and Punishment of Violence Against women in Ciudad Juárez, in the *Secretaría de Gobernación* (SEGOB), Interior Ministry, to coordinate policy initiatives. Federal Government agencies and civil society representatives participate in the forum. However, so far the subcommission has only convened once in Ciudad Juárez, restricting the participation of relatives of victims and local organizations who cannot afford the costs of travel to Mexico City. Non governmental organizations (NGOs) have also expressed concern that the subcommission is not effectively performing its coordination role as official agencies have made important decisions relating to the implementation of the programme of actions without consulting or informing the subcommission. The failure of key officials involved in the design and implementation of specific measures to participate in meetings is also undermining the authority and effectiveness of the subcommission.

In July 2003 the 40-point action plan was announced by SEGOB. Measures included the transfer of large numbers of *Policía Preventiva Federal* (PPF), Federal Preventive Police to Ciudad Juárez to increase public security and reduce general crime levels and the creation of the *Fiscalía Mixta para la Investigación de los Homicidios de Mujeres*, Joint Investigating and Prosecution Agency for the Investigation of the Murders of Women. The new agency brought together state and federal prosecutors and judicial police in a formal agreement of cooperation.

In Mexico crimes are subject to state, federal or military jurisdiction. Crimes such as murder, rape, and abduction normally come within state jurisdiction. Federal jurisdiction has traditionally been limited to those areas where there is evidence of organized crime involved in such crimes or/and where federal agents are implicated. There is no clear provision for federal intervention or oversight where state authorities are incapable or unwilling to effectively prosecute crimes within their jurisdiction, which as in the case of Ciudad Juárez and the city of Chihuahua facilitates impunity. The intervention of the Federal Attorney General's Office (PGR) in Ciudad Juárez is an important first step to breaking this cycle of impunity.

However, reports received by Amnesty International indicate that in practice federal involvement in the joint investigations of the *Fiscalía Mixta* may be restricted to the period up to when state jurisdiction is determined. There have also been reports that state prosecutors and police have not given federal agents unrestricted access to examine evidence or case files. The *Comisión Nacional de Derechos Humanos* (CNDH), National Human Rights Commission has also highlighted a lack of transparent cooperation on the part of the PGJE.

Furthermore, the PGJE considers cases are "solved" once suspects have been indicted before a judge rather than tried and convicted. Many of these "solved" cases contain serious allegations of torture and possible miscarriages of justice. PGR powers to intervene or review evidence are unclear as once an individual has been indicted, it is the state judiciary and courts who are responsible for judicial proceedings, unless the case is claimed directly under federal jurisdiction – something the PGR has been very reluctant to do in all but a few cases.

The PGR is presently only investigating the cases of 6 murdered women under federal organized crime jurisdiction. It is also officially engaged in reviewing the cases of the eight young women whose bodies were discovered in the former cotton field in November 2001. In the latter case, there is clear evidence of torture of the suspects and other serious failings in the identification of the victims and many other elements of the state prosecution case. Yet even with federal partial claim on these cases, the state authorities continue to consider the case is "solved" as the accused have been indicted and are awaiting trial. In the majority of other cases, the PGR agents are merely collaborating with local state authorities, without clear jurisdictional powers. In this climate, human rights organizations have expressed concern at the limited role of the PGR to correct PGJE investigations.

Given the failure of state institutions over more than a decade to impartially and effectively investigate so many of acts of violence against women in Ciudad Juárez and the city of Chihuahua, families of victims and human rights organizations remain sceptical about how far the cooperation arrangements will improve investigations. Furthermore, concerns about state judicial and police probity were raised at the end of 2003 and the beginning of 2004 when there was a spate of killings and abductions of men linked to power struggles within drug-trafficking organizations. In January 2004 at least 11 bodies were found in a house in Ciudad Juárez, which led to a number of state judicial police, including a commander, being detained and charged with direct involvement in the abductions and murders.

In December 2003 the *Comisión Mexicana de Defensa y Promoción de los Derechos Humanos* (Mexican Commission for the Promotion and Defence of Human Rights) and *Justicia para Nuestras Hijas* (Justice for our Daughters), two human rights organizations representing the families of missing and murdered women in Ciudad Juárez and the city of Chihuahua, filed judicial complaints of abduction with the PGR in 7 cases of women or girls who had gone missing in recent years in Ciudad Juárez and the city of Chihuahua. In all the cases state authorities consistently failed to conduct full investigations, despite the existence of evidence potentially identifying those behind the abductions.

As a result of this legal action, federal prosecutors have reportedly assumed responsibility for the investigation of the case of **Silvia Arce** who was abducted in Ciudad Juárez in 1998 and who remains missing. There has been a similar response with the case of **Cecilia Covarrubias's newly born baby**, who was abducted along with her mother in Ciudad Juárez in 1995, but whose whereabouts were never established after her mother's brutalised body was discovered. In both cases the newly assigned federal investigators have met with the victims' relatives and informed them of new steps in the investigation. Federal prosecutors have also reportedly taken over the investigation of the cases of 5 young women who went missing in Chihuahua between 2000 and 2001 and who have not been seen since: **Erika Noemí Carrillo, Julieta Marleng González Valenzuela, Miriam Gallegos Venegas, Minerva Torres Abeldaño and Rosalba Pizarro Ortega.**

In relation to the cases of the women reported missing or abducted, there is still a lack of clarity regarding the responsibility of PGR agents in these investigations and the search actions undertaken to locate the women. The failure of state judicial authorities to conduct full criminal investigations in many of these cases or compile reliable lists of those missing over the last decade demonstrates the urgency of the need for federal authorities to clearly assume responsibility for establishing the whereabouts of missing women and girls. Recent statements by PGR officials³ indicate that federal authorities may now directly undertake the urgent work of establishing a comprehensive list of missing women and girls, but it is also important that

³ Mario Alvarez Ledesma, Subprocurador de Derechos Humanos, PGR, Interview La Jornada, 15 Feb 2004

civil society is allowed to play a central role in this process to ensure the credibility and transparency of the results.

According to the PGR, an increasing number of cases of murdered and missing women over the last decade have been entered onto a specialist database to improve documentation and cross-referencing of case data. However, evaluation of the results of this process remains pending.



Martina Avedaño, mother of Minerva Torres
© Amnesty International, February 2004

The FBI has carried out ongoing training courses with the participation of state and federal prosecutors and police. There have also been agreements to improve access to and to ensure reliability of DNA tests, with a measure of FBI involvement. Despite the welcome announcement of plans to establish a DNA database of victims, relatives, missing persons and suspects to improve investigations and identification, there is no clear indication as yet that such a database is up and running or on what procedural model it is to be established.

According to information received by Amnesty International, federal prosecutors and investigators have introduced a new professional and technical expertise previously lacking. However, the organization believes that the lack of clarity regarding state and federal jurisdiction leaves an excessive margin of ambiguity in the responsibilities and duties of the federal and state authorities, which may hinder the effectiveness of the programme of judicial measures.

In September 2003, the President announced the creation of a Special Commissioner with responsibility to “*build a dynamic process of social articulation to promote the effective and real enjoyment of human rights of all the inhabitants of Ciudad Juárez, but especially women*”⁴. In October Guadalupe Morfin was appointed Commissioner. Human rights NGOs and the relatives welcomed the decision,

⁴ Programa de Acciones de Colaboración del Gobierno Federal para Prevenir y Combatir la Violencia contra Mujeres en Ciudad Juárez, Segundo Informe de Evaluación –septiembre-octubre de 2003, SEGOB [“*construir un proceso dinámico de articulación social, a favor de la vigencia auténtica y efectiva de los derechos humanos de todos los habitantes de Ciudad Juárez, pero especialmente las mujeres*”]

considering her previous work on human rights and women's rights as positive. Encouragingly, she has indicated her determination to ensure that the families of victims play a key role in all elements of her work as well as recognising the need to extend measures to the city of Chihuahua. However, it is still not clear whether the Commissioner's mandate and powers are sufficiently strong to ensure that the Office can play an effective role in developing measures and evaluating progress. Concerns about these issues recently increased following reports of federal government resources not being made available to the Office of the Commissioner, limiting its capacity to make early headway.

In December 2003 the *Comisión Nacional de Derechos Humanos* (CNDH), National Human Rights Commission issued a new report⁵ and recommendations on the Ciudad Juárez cases. The report looked at case records for 263 murders and concluded that ("*public officials of the Mexican State committed acts and omissions that facilitated the direct violation of innumerable provisions in national and international judicial orders*" much of which "*suggests ignorance of or contempt for the duty of the State to act with due diligence*" ("*servidores públicos del Estado mexicano cometieron actos y omisiones que propiciaron la violación directa de innumerables disposiciones de los órdenes jurídicos nacional e internacional*" ... "*supone el desconocimiento o desprecio del deber del Estado de actuar con debida diligencia*".⁶ A principle CNDH recommendation was the creation of a Special Federal Prosecutor's Office (*Fiscalía Especial*).

In January, in response to the recommendation, the PGR announced the creation of a federal *Fiscalía Especial para la Atención de Delitos relacionados con los Homicidios de Mujeres en el Municipio de Juárez*, headed by María López Urbina to coordinate federal involvement in the *Fiscalía Mixta* in Ciudad Juárez and to take over those cases already under federal jurisdiction -the city of Chihuahua has not been included in her mandate. The new Prosecutor also received the 263 case files from the CNDH to analyse and has committed her Office to "apply a gender perspective aimed at eliminating discrimination"⁷.

While the creation of the new federal Special Prosecutor's Office may prove an important step, many questions need to be urgently resolved in terms of the Office's mandate and jurisdiction over all gender-based violence in Ciudad Juárez and the city of Chihuahua and the development of constructive relations with the Special Commissioner and victims' families. A key recommendation of all national and international organizations has been the need for an integrated approach to prevent and investigate all forms of gender-based violence in the state of Chihuahua. The investigation of women reported missing, abducted or murdered in Ciudad

⁵ In 1998 the CNDH issued Recommendation 44/98 detailing many aspects of negligence and omission in the investigations of the state authorities. The state government never implemented the recommendations

⁶ Informe Especial sobre los Casos de Homicidios y Desapariciones de Mujeres en el Municipio de Juárez, Chihuahua, Nov 2003. Comisión Nacional de Derechos Humanos.

⁷ Cimacnoticias, 14 Feb 2004

Juárez and the city of Chihuahua should be conducted alongside that of other forms of violence against women such as rape, harassment and domestic violence. The federal *Fiscalía Especial* should play a lead role in bringing this about.

Torture and the need for independent judicial review

Consistent allegations of torture made by suspects detained and interrogated by state judicial police have never been properly investigated, undermining the credibility of investigations and violating the fundamental rights of suspects and families of victims. Despite the risk of grave miscarriages of justice, there have been no advances in the investigation and punishment of torture or independent judicial review of gravely flawed criminal proceedings, which do not adhere to basic fair trial standards.

In March 2003 **Marcela Viviana Rayas** was abducted. Her brutalized body was discovered on 28 May, though the authorities failed to use DNA tests to confirm the identity of the body. **Ulises Perzabal** and **Cynthia Kicker**, a US citizen, were arrested and reportedly tortured by state judicial police in order to force them to confess to the crime. State judicial police also reportedly tortured witnesses to force them to implicate the accused. The accused and witnesses subsequently retracted their original statements and filed legal complaints of torture. Amnesty International is not aware of any independent investigation to establish the treatment of the suspects or witnesses and the manner in which their testimony was given in order to determine the admissibility of their evidence or sanction those responsible.

In September 2003 a special delegation of the United Nations Office on Drug and Crime (UNODC) was invited by the Federal Government to visit Ciudad Juárez to analyse investigative and judicial procedures in cases where women were abducted and murdered with sexual violence. The resulting report⁸ highlights fundamental flaws in judicial procedures that have undermined effective investigations, destroyed credibility in the judicial system and regularly produced violations of the fundamental rights of relatives of victims and criminal suspects; the almost total failure to seriously investigate allegations of torture to extract confessions and the reliance on such confessions as evidence. The UN report calls for judicial review of cases where there are allegations of violations of the fundamental rights of victims, the application of the UN Convention Against Torture and the adoption of the Istanbul Protocol on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The report also urges radical reform in virtually all areas of investigation and prosecution procedures and highlights the need for increased oversight of the state justice system by outside agencies. To Amnesty

⁸ *Informe de la Comisión de Expertos Internacionales de la ONU*, Oficina de las Naciones Unidas Contra la Droga y el Delito sobre la Misión en Ciudad Juárez, Chihuahua, México. (<http://www.sre.gob.mx/eventos/substg.htm>)

International's knowledge, the state authorities have not committed themselves to implement the recommendations of the report.

Integrating women's rights into investigative procedures and ending gender discrimination

There is continued concern at the failure of the investigating and judicial authorities, particularly at state level, to consider the murder of women and young girls as part of a pattern of violence against women, rather than as individual criminal acts. The ongoing failure to take into account gender issues, social background and the full nature of the violence suffered by victims, has limited the response of the state. The report⁹ by the UN Office on Drug and Crime, while recognising some improvements in recent years, highlights the state's consistent failure to consider all the dimensions of the crimes, such as abduction, rape and physical cruelty suffered by the victims. This resulted in the absence of timely and effective action to strengthen investigative proceedings or reform criminal codes in line with modern standards on women's rights to enable detection, prosecution and punishment¹⁰.

A modern forensic science laboratory has been established under the control of the PGJE of Chihuahua state, but as the UN report noted, without appropriate training of staff to ensure international good-practice standards are adhered to, there is a serious risk that this important step will go to waste. Amnesty International believes that forensic services should also be made administratively independent of Prosecutors' Offices at federal and state level in order to ensure impartiality and transparency.

14 February 2004 was the second anniversary of the abduction and murder of **Lilia Alejandra García Andrade**. Her mother, Norma Andrade has denounced the state authorities for lack of due diligence in the investigation, in particular the Forensic Services Department for failing to adequately analyse or preserve all samples of organic substances discovered under the fingernails of the victim which might have established the identity of the perpetrators. The state authorities have reportedly still not installed public lighting in the empty lot in the middle of Ciudad Juárez where Lilia Alejandra's body was discovered, or investigated the failure to properly respond to an emergency call made by a witness to a young girl being raped near the empty lot two days after Lilia Alejandra was reported missing.

PGR agents, as part of the Fiscalía Mixta, have reportedly been studying the case. According to the family, unlike the PGJE, the PGR has remained open to lines of investigation suggested by the family as *coadyuvantes* (legal role for a victim's representatives to receive information on the investigation from prosecutors and recommend possible investigative avenues). However, the PGR has still not decided to claim federal jurisdiction in the case.

¹⁰ In 2003 a number of modifications were made to Chihuahua penal code to improve some of these areas.

The inadequate and frequently complacent response of state authorities has been blamed by the relatives of the victims and human rights organizations on discrimination against the victims and their families, who by and large are women with few resources or social status. While the state authorities acknowledge in the early years of the crimes there was an ineffective response - which was frequently exemplified by public officials suggesting that the victims themselves were to blame - they claim that in recent years under the present administration this is not the case. However, the hostile treatment of many families and absence of effective official action to resolve many of the cases, appears to indicate the state authorities are still determined to resist a more searching analysis of their failure to prevent and punish the crimes and end discrimination.

A clear indication of this is that the state authorities apparently continue to perceive national and international concern on the cases as resulting almost solely from efforts by political opponents to damage the public image of the state government, rather than legitimate concern at the failure to acknowledge and end a grave pattern of violence against women. The state elections for the governorship in 2004 threaten to exacerbate this tendency.

One example of the manner in which the state government and investigative authorities continue to downplay the gravity of cases of violence against women is the handling of the case of **Micaela Felix Alvarado**, whose battered body was found on 14 October 2003 near her home on the fringes of Ciudad Juárez. An official spokesperson sought to exclude the case from the pattern of violence against women by downplaying the violence she suffered and revealing details of her private life prior to a full investigation. The frequent failure of the authorities to ensure that information on cases is handled transparently and impartially, abiding by basic elements of due process for the families of victims and suspects alike continues to raise concern and undermines confidence in judicial procedures

In 2003 Amnesty International participated alongside the *Comisión Mexicana de Defensa y Promoción de Derechos Humanos* and other members of the coalition of NGOs, *Alto a la Impunidad* (Stop the Impunity) at a hearing at the Inter American Commission on Human Rights (IACHR) on the situation in Ciudad Juárez. In 2004 Amnesty International, with other NGOs, submitted supplementary information to the IACHR, analyzing the narrow manner in which the state authorities document the cases of violence against women.

In the submission to the IACHR, Amnesty International highlighted the ongoing use of the term “crime of passion” by the state authorities to categorise cases of women murdered by their spouse or partner. International human rights mechanisms have criticised the use of this definition as discriminatory against women, by implicitly legitimising violence against women on the basis of male honour in response to what the perpetrator or society consider inappropriate female conduct. The fact that women are primarily the victims of such violence is another element of the discrimination.

Recent reports to the IACHR by the state government indicate that the intense national and international scrutiny has finally forced the state authorities to take seriously the collation and analysis of information related to cases of violence against women. However, there continue to be inexplicable inconsistencies and re-categorisations of cases of murdered or missing women. An inevitable result of this appears to be that virtually every institution that has sought to accurately determine the number of cases - including the missing, murdered and other forms of gender violence - arrive at different conclusions.

While the state authorities have made advances in the documentation and analysis of the cases, until there is broader acceptance of the common roots of different forms of violence against women, it is difficult to see how the state authorities will ensure substantive and lasting improvements to their approach and procedures for combating such violence and discrimination.



Norma Ledesma, mother of Paloma Escobar Ledesma with hundreds of letters received from members of Amnesty International. The body of Paloma Escobar was found on 29 March 2002 near the city of Chihuahua. The case has been presented to the IACHR by human rights' NGOs. According to information received by Amnesty International the official investigation into the abduction and murder of Paloma has not advanced. © Amnesty International Netherlands. December 2003

The struggle of the families

*“For what we say, for what is reported in the papers and for asking for justice we are repressed, we are followed and we are threatened. Because for them asking for justice is a crime”.*¹¹

The authorities have made several important commitments to assist the families of victims of the crimes with economic assistance and psychological treatment to deal with the continuing impact of the brutal murder of loved ones, who were also often family breadwinners.

In November 2003 President Fox met personally a number of mothers of the victims and committed his government to ending the crimes. Nevertheless, the rightful involvement of families and their legal representatives as *coadyuvantes* in the judicial investigations remains to be made fully effective.

State authorities continue to be extremely reluctant to allow the families and their representatives full access to case files and become hostile when families question the effectiveness of official investigations. In the city of Chihuahua and Ciudad Juárez, working groups (*Mesas técnico-jurídico*) were established in 2002 and 2003 supposedly to bring families and their representatives together with various state authorities to review progress in cases. However, these working groups have largely broken-down, reportedly as state government representatives have been hostile to many of the organizations participating, question the moral right and integrity of NGOs to participate in the process. State officials have frequently portrayed several organizations as immoral and profiting from the grief of the mothers and families of the victims and alleging fraud. These public allegations to discredit organizations are not backed up with evidence or substantive investigations, but are given prominent media attention in order to undermine public confidence in the organizations and campaigners.

In April 2002, the State Public Prosecutor was reported in the media stating: *“The organization Our Daughters Return Home is a perverse group as it profits from the grief of the mothers of murdered women”* (*La organización Nuestras Hijas de Regreso a Casa es una agrupación perversa, ya que se lucra del dolor de las madres de mujeres asesinadas*) Cimacnoticias, 14 abril 2003). Organizations such, *Justicia para Nuestras Hijas* (Justice for Our Daughters), *Mujeres en Negro* (Women in Black) and *Casa Amiga* have also been the target of these smear campaigns. In seeking to divide the mothers and families and turn one group against another, the state authorities appear to be pursuing a strategy that on a number of occasions over the last decade has been successful in deflecting public attention from the failure of the authorities to solve the cases and guarantee the safety of women in Ciudad Juárez and the city of Chihuahua.

¹¹ *“por lo que hablamos, lo que sale en los periodicos y por pedir justicia somos reprimidas, somos seguidas, somos amenazadas. Porque pedir justicia es delito para ellos.* Evangelina Arce, Interview with Amnesty International 2003

During 2003, Amnesty International also received reports of a number of incidents of intimidation, harassment and threats against some families of victims and representatives of women's organizations working with the relatives¹². According to those who reported these and other incidents, the federal government has provided some protection measures, but investigations into those behind the intimidation and threats have not produced results.

According to recent reports, on 3 and 4 February 2004 the mother and sister of Lilia Alejandra García, **Norma Andrade** and her daughter, **Maria Luisa**, both members of *Nuestras Hijas de Regreso a Casa (NHRC)*, were watched by two unknown men while they were with other members of NHRC in a restaurant and were then followed home by the two men in a white car.

In recent months with federal prosecutors and investigators taking charge of a number of cases, families have reported a more positive attitude toward the role of the *coadyuvantes*. Amnesty International believes that it is vital that federal authorities maintain and develop a constructive relationship with the families of victims and human rights organizations and lawyers working on their behalf.



March to end violence against women in Ciudad Juárez and the city of Chihuahua on 14 February 2004 organised by V-Day and Amnesty International. © Amnesty International

¹² Urgent Action 322/03, 10 November 2003

Recommendations

While there have been important advances in the last year in the federal response to the situation in Ciudad Juárez, Amnesty International believes that in large part the range of recommendations made by international and national human rights organizations remain to be effectively implemented. Federal, state and municipal authorities should coordinate their actions to ensure that these are fully implemented and appropriately assessed with agreed timetables and benchmarks. Amnesty International believes that there are a number of immediate actions to be taken to guarantee the fundamental right of women to lead their lives free of violence and discrimination.

Violence against women in the city of Chihuahua

- The full programme of measures adopted by federal, state and municipal authorities to tackle violence against women in Ciudad Juárez should be extended to cover the city of Chihuahua.

Special Prosecutor

- The powers of the Special Prosecutor over all cases of violence against women in Ciudad Juárez and city of Chihuahua should be clearly defined to avoid any duplication or ambiguity of roles and responsibilities.
- The cases of murdered or missing women from the city of Chihuahua should form part of the mandate of the Special Prosecutor.
- The relationship between the Federal Special Prosecutor and the Special Commissioner should be clearly defined in order to foster effective measures to combat violence against women and gender discrimination and to assess their impact.

Special Commissioner's Office

- The Special Federal Commissioner's Office should be assured sufficient resources and powers to enable diagnosis and supervision of the situation in Ciudad Juárez and the city of Chihuahua and to assess the impact of measures adopted to combat violence against women and discrimination, including the search for missing or abducted women or girls.
- The Special Commissioner should periodically make public the progress and findings of the work of the Office and should have powers to ensure that recommendations to federal and state authorities are implemented.

The missing and abducted

- The federal authorities should be primarily responsible for establishing the fate and whereabouts of women and girls reported missing or abducted over the last decade in Ciudad Juárez and the city of Chihuahua.
- The number and identity of women and girls missing or abducted in Ciudad Juárez and the city of Chihuahua should be clearly established. Civil society should be

enabled to play a role in establishing these facts. The database to aid identification of all victims should be put into action. A report should be published detailing the cases of those women and girls who remain missing or abducted. The legal status of the victims should be established.

Gender Perspective

- Gender perspective should be incorporated into the analysis and treatment of violence against women in policing and judicial practice as well as in all federal and state institutions created to protect and monitor women's rights.
- Procedures to cover all stages of criminal investigations into violent crimes against women, particularly those areas of investigation relating to scientific evidence, should be drawn up in accordance with international standards, implemented and monitored.
- Federal and state legislation should be promoted to incorporate the principles of the Inter American Convention on the Prevention, Punishment and Eradication of Violence Against Women "Convention of Belem do Para" into the legal framework;

Judicial Review

- Cases investigated by the State Public Prosecutor's Office (PGJE) over the last decade in which suspects have been indicted or convicted of crimes of violence against women should undergo independent judicial review where there is evidence that the fundamental right to a fair trial has been violated, such as where the accused have been subject to torture. Any official found responsible for committing human rights violations such as torture should be brought to justice.
- There should be independent and impartial investigation of negligence, failure to act, complicity or tolerance on the part of public officials in the abductions and murders of women in Chihuahua State.

Respect the rights of the victims, their families and human rights organizations

- Federal, state and municipal authorities should guarantee respect for the role of the relatives of victims and human rights organizations in their legitimate demands for justice.
- The right to active participation (*coadyuvancia*) of the families and human rights organizations representing them, with both the PGR and PGJE, should be guaranteed and respected at all times.
- Official orders should be published and enforced at state and federal level to prevent officials from making unfounded public statements attacking the credibility of families and organizations working to end violence against women in Ciudad Juárez and Chihuahua.
- Intimidation, threat or harassment of victims' relatives or members of human rights organizations should be investigated and those responsible brought to justice.