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LADB Staff

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Two Reports Criticize Mexican Government for Allowing Human Rights Violations

by LADB Staff

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In recent weeks, two respected human-rights monitors have released reports criticizing Mexico for failing to take sufficient steps to protect the rights of its citizens. The reports, published by the Inter-American Human Rights Commission (IAHRC) in September and the US-based Human Rights Watch (HRW) in January, cited numerous cases of forced disappearances, torture, politically motivated killings, arbitrary arrests, and cruel treatment, which almost always went unpunished. In most instances, the reported violations were committed by local law enforcement authorities in complicity with state and local authorities.

"The number of complaints we have received over the past two years are cause for concern," said IAHRC president Carlos Ayala, who traveled to Mexico in December to discuss the content of the report. The IAHRC report cited the example of Chiapas state, where paramilitary groups have either received direct support from the governing Partido Revolucionario Institucional (PRI) or have been allowed to operate without interference.

Meantime, the HRW report examined abuses by soldiers, state and federal police, investigators, and other authorities in Baja California, Tamaulipas, Morelos, Jalisco, and Oaxaca states. According to the report, Mexican judges, prosecutors and law-enforcement officers collude to torture suspects, illegally obtain evidence, and block investigations into human rights violations. "Authorities are more likely to close ranks and deny that even well-documented abuses ever took place than they are to insist that those responsible be brought to justice," the HRW report concluded.

The Secretaria de Relaciones Exteriores (SRE) reacted cautiously to the HRW report. "It would be irresponsible for us to give an opinion, because it's a long document that we will have to study," SRE spokesman Oscar Ramirez told the Miami Herald. Both reports acknowledge some progress on human rights. The IAHRC and HRW acknowledged that the Mexican government has taken some steps to address the problem, including the creation of independent entities such as the Instituto Federal Electoral (IFE) to manage elections.

The IAHRC praised the Mexican Senate's unprecedented vote to recognize the jurisdiction of the Inter-American Court of Human Rights. This was considered a significant move, given Mexico's consistent opposition to outside interference in its domestic affairs. "It's a unique step the Mexican state has taken," said IAHRC president Ayala. The IAHRC also acknowledged that the efforts of the government-affiliated Comision Nacional de Derechos Humanos (CHDH) have resulted in the trial and punishment of a few thousand human-rights violators. At the same time, the commission said those statistics are "insignificant" when compared to the high rates of impunity that continue.

The IAHRC report also recommended a series of changes, including a proposal to change the methods by which Mexican police officers are trained. "Impunity is a key issue. It involves not only

human rights violations, but an entire institutional problem, and as crime is out of control, it's a social problem," said Ayala. While the organization acknowledged this effort would be difficult and expensive because of tight local budgets, it urged Mexico to consider the long-term benefits of such an action. "In the end it is more expensive for the state not to carry out institutional reforms that are required to effectively combat impunity," Ayala said.

But Mexico's largest police department has already taken some steps in that direction. In mid-January, Mexico City police chief Alejandro Gertz dismissed his top six commanders for undermining his campaigns against graft, inefficiency, and organized crime. Gertz, a former university rector, has pledged to root out corruption from the city's police department.

The HRW report also credited President Ernesto Zedillo's administration for attempting to bring greater attention to the problem of human rights violations. However, HRW research director Joel Solomon said the administration's actions have fallen far short of its stated intentions. "The official discourse is very positive: They are increasingly recognizing the importance of promoting human rights and fighting impunity," Solomon told reporters. "But when it comes to specific cases, they still deny that abuses took place."

In a meeting with Interior Secretary Francisco Labastida Ochoa, Foreign Relations Secretary Rosario Green and Attorney General Jorge Madrazo, Solomon and Human Rights Watch Americas director Jose Miguel Vivanco presented a list of recommendations to the government, including a proposal that federal prosecutors assume the most sensitive cases from state authorities. "The federal government needs to take a more active role in cases involving human rights abuses, because state governments often don't do their job," Solomon said.

A third report was prepared by six human rights organizations affiliated with the Roman Catholic Church in late January to present to Pope John Paul II, who was scheduled to visit Mexico in late January. The report raised the same concerns as the IAHRC and HRW, but also expressed strong concerns about the growing militarization in Mexico. "This militarization is especially evident in the incorporation of the armed forces in law-enforcement efforts," said the organizations, which included the Jesuit-affiliated group Miguel Agustin Pro Juarez and the Dominican-affiliated Fray Francisco de Vitoria.

Representatives of four Roman Catholic Dioceses in Guerrero, Oaxaca, and Chiapas states also contributed to the report. Enlisted officers criticize military abuses While the Roman Catholic groups raised concerns about possible army violations of the rights of civilians, allegations came to light in December and January regarding the military treatment of its own enlisted personnel.

In early January, the Procuraduria General de Justicia Militar (PGJM) arrested five army lieutenants who accused military officers of committing abuses against enlisted soldiers. The five officers, who are members of the dissident Comando Patriotico de Concienzacion del Pueblo (CPCP), were detained when attempting to deliver a letter offering details of the abuses to President Ernesto Zedillo. The five army lieutenants and CPCP leader Lt. Col. Hildegardo Bacilio Gomez, an army surgeon, have been charged with insubordination, conspiracy, and sedition.

The CPCP, comprising at least 50 members of the Mexican military, has used demonstrations and media releases to bring attention to the army's alleged abuses. "They have really been very orthodox in their attitude, [and] they want to send a very tough message that anyone who goes out into public and makes statements critical of military policies is going to be dealt with in a severe manner," said Roderic Camp, a specialist on Mexico at Claremont College in California.

Gomez, who fled the country, told reporters the army's decision to accuse the CPCP members of sedition is an example of the hard-line attitude taken by Defense Secretary Enrique Cervantes and other officials of Secretaria de la Defensa Nacional (SEDENA) against any public dissent. The army has reserved sedition charges principally for armed rebels. "This act reflects the abuse of authority that is constantly committed by high-ranking SEDENA officials," said Gomez. He noted that one of the CPCP's main complaints was arbitrary arrest within the military courts, which operate free of supervision from civilian judges.

Prominent columnist Miguel Angel Granados Chapa criticized the arrests. "They are not guilty of sedition," said Granados Chapa. "Their crime, if you could call it that, is to express a grievance with military norms and practices." But Interior Secretary Francisco Labastida, whose department is responsible for law and order in Mexico, said the CPCP complaints reflect discontent by a very small minority of army members. "The immense majority of the ranks and officers have expressed their support for military discipline, for loyalty and for the rules of the army," Labastida said in a radio interview.

Another prominent case involving the Mexican armed forces is the detention of Gen. Jose Francisco Gallardo. Gallardo was taken into custody in 1993 after publishing an article highly critical of the army's human rights record. The HRW, the IAHRC, and Amnesty International have repeatedly called for the release of Gallardo, who was imprisoned on fabricated charges ranging from theft of funds to misuse of military equipment. "The commission does not consider the [Gallardo] case closed until its recommendations [on his release] are fulfilled," Ayala said. (Sources: Reuters, 12/02/98, 12/03/98, 01/08/99; The News, 12/04/98, 01/11/99; Novedades, 12/15/98, 01/12/99; El Universal, 01/12/99; Los Angeles Times, 01/13/99; El Diario de Yucatan, 01/14/99; The Miami Herald, 01/15/99; The Washington Post, 01/16/99; The New York Times, 01/08/99, 01/15/99, 01/17/99; Spanish news service EFE, 01/10/99, 01/11/99, 01/14/99, 01/18/99; Excelsior, 12/04/98, 12/17/98, 01/19/99; La Jornada, 12/04/98, 01/15/99, 01/19/99; Associated Press, 01/11/99, 01/15/99, 01/19/99)

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