

MEXICO

In the second year of Vicente Fox's presidency, Mexico took unprecedented steps toward establishing accountability for past abuses committed by state security forces. The government also continued its active cooperation with international human rights monitors, welcoming external scrutiny of the country's compliance with international norms. Progress toward eliminating the obstacles to full compliance with these norms remained limited, however.

HUMAN RIGHTS DEVELOPMENTS

After decades of official secrecy and denial, the Mexican government publicly recognized the acts of political violence perpetrated by its security forces during the "dirty war" of the 1960s and 1970s. In November 2001, the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) released a three thousand-page report on state abuses committed during that era. The report was based largely on information from secret government archives on more than five hundred people who had been reported missing. It confirmed that at least 275 of those missing had been arrested, tortured, and killed by state security forces. It also identified seventy-four former officials as being responsible for these crimes. (The CNDH did not reveal the names of the suspects, but did turn the list over to the attorney general's office.)

The government took important steps toward eradicating the culture of secrecy that had prevented the Mexican public from learning about these and other political crimes. In June, the Fox administration released eighty million pages of secret intelligence files compiled between 1952 and 1985. President Fox also signed a national freedom of information law, passed by the national congress, which directed federal agencies to favor "the principle of publicity of information" over secrecy and to publish information regarding their basic operations in a routine and accessible manner. The law defined all government information as "public" and established a special standard for information pertaining to crimes against humanity or gross human rights violations, expressly prohibiting the government from withholding such information under any circumstances. The law also granted citizens the right to seek the release of information not already public, as well as to appeal official decisions to withhold documents.

Some states also made progress toward increased transparency. In April, the state of Sinaloa passed a freedom of information law and the governor of Michoacán convened a series of panels to discuss the possibility of doing the same.

The Fox administration committed itself to bringing to justice those responsible for past political violence. In November 2001, after receiving the CNDH's report on forced disappearances, President Fox announced the creation of a special prosecutor's office to investigate and prosecute these and other acts of violence com-

mitted by state security forces against opposition groups. The attorney general named Ignacio Carrillo Prieto to head the new office and announced that the office would receive all the resources needed to fulfill its charge. At this writing, the special prosecutor's office had received some four hundred complaints of "forced disappearances," as well as eleven complaints related to the 1968 Tlatelolco massacre and four complaints related to the 1971 "Jueves de Corpus" massacre. In July and August, the office summoned former President Luis Echeverría Alvarez and former regent of Mexico City Alfonso Martínez Domínguez to answer questions about the massacres. It was the first time a public prosecutor questioned high-level officials about these crimes. The interrogations produced little new information, however, as Echeverría Alvarez chose not to respond to the special prosecutor's questions (exercising his constitutional right against self-incrimination), and Martínez Domínguez denied all responsibility. In November, former general Luis Gutiérrez Oropeza also declined to testify before the special prosecutor.

The Mexican army took steps toward accountability in September, announcing that a military judge had ordered the arrest of Brig. Gen. Mario Arturo Acosta Chaparro, Gen. Francisco Quirós Hermosillo, and Maj.(Rtd.) Francisco Barquin on charges of homicide in the cases of 143 people who disappeared while in army custody during the 1970s. A conviction in these cases would represent the army's first official acknowledgment of its own responsibility for the human rights abuses committed during that era. It was unclear, however, whether the army intended to pursue charges against other senior officers (two of the three men facing charges, Brigadier General Acosta Chaparro and General Quirós Hermosillo, had already been incarcerated on drug charges). It was also unclear whether prosecutions before the military courts would interfere with the work of the recently created special prosecutor's office on those same cases.

In contrast to efforts to address past political violence, little was done to remedy the systemic problems of the Mexican justice system that had allowed these and other human rights abuses to go uninvestigated and unpunished. One of these longstanding problems was the fact that the justice system left the task of investigating and prosecuting army abuses to military authorities. When, for example, Valentina Rosendo Cantú, an indigenous woman in Acatepec, Guerrero, reported being beaten and raped by soldiers in February, the public prosecutor's office turned the case over to its military counterparts. Similarly, when Inés Fernández Ortega, an indigenous woman in Ayutla, Guerrero, reported being raped by patrolling soldiers in March, her case was also turned over to the military prosecutor's office.

The military justice system was ill-equipped to investigate and prosecute cases like these. Lacking the independence necessary to carry out reliable investigations, its operations also suffered from a general absence of transparency. The ability of military prosecutors to investigate army abuses was additionally undermined by a fear of the army, widespread in many rural communities, which inhibited civilian victims and witnesses from providing information to military authorities. In the cases of Rosendo Cantú and Fernández Ortega, rights advocates working with the two women reported that military authorities had shown no sign of proceeding with investigations into the alleged crimes.

Other prominent cases involving army abuses continued to languish in the military justice system. One was the case against soldiers who illegally detained and allegedly tortured environmental activists Rodolfo Montiel and Teodoro Cabrera in 1999. (The two men were freed last year after President Fox reduced their sentences.) Lawyers representing Montiel and Cabrera reported that the military prosecutors handling the case made no effort to advance it, and a civilian judge rejected their petition to have it transferred to civilian jurisdiction.

Another case involved alleged abuses committed by military authorities who jailed Gen. José Francisco Gallardo in 1993 after he publicly criticized the army's human rights practices. After President Fox ordered Gallardo's release in February, the former general sought to press charges against the military brass that had jailed him. Again, the public prosecutor turned the case over to the military justice system, which seemed unwilling to pursue a serious investigation of the case.

The civilian justice system also suffered from a lack of effective judicial oversight of police practices. The CNDH reported in July that the most common type of human rights violations reported by civilians involved abuses committed by police, including arbitrary detention and torture. Among the cases documented by the CNDH was the extrajudicial execution of three men in Jalisco state by federal police officers in January. The police captured the three men after one of them had shot and killed another police officer. Witnesses reported that the three men were executed while in custody. In March, Guillermo Vélez Mendoza, an alleged member of an abduction ring, was arrested by federal judicial police and died soon afterwards. The attorney general's office initially claimed that Vélez had died while trying to escape from the police, but a CNDH investigation concluded that Vélez had been subject to arbitrary arrest, abuse of authority, and murder—having been strangled to death. At this writing, the five police officers involved in the case remained free and it was unclear whether they would face trial or punishment.

The CNDH issued a special report on abusive practices within Mexico City's prisons, documenting extortion of prisoners by guards, as well as the imposition of solitary confinement for indefinite periods of time. There were also reports that children held in some juvenile detention facilities were forced to live in squalid conditions and were subject to beatings and sexual abuse.

Migrants were especially vulnerable to abusive practices by government agents. In December 2001, for example, a Dominican citizen was severely beaten in a Mexico City detention facility, allegedly by migration officials. In January, seven Mexican migrants from Chiapas state were detained by migration officials in the Sonora state airport and reportedly compelled to sign a statement identifying themselves incorrectly as Guatemalan citizens. After being detained for a week, the seven were deported to Guatemala. In June, Mexican soldiers in Baja California opened fire on a truck transporting five Mexican and twenty-three Salvadoran migrants toward the border with the United States, wounding eight, one seriously.

Legitimate labor organizing activity continued to be obstructed by collective bargaining agreements negotiated between management and pro-business unions. These agreements often failed to provide worker benefits beyond the minimum standards mandated by Mexican legislation, and workers sometimes only learned of the agreements when they grew discontented and attempted to organize inde-

pendent unions. Yet when workers sought to displace non-independent unions, they ran the risk of losing their jobs. For example, efforts to form independent unions in factories that produced for the Alcoa corporation in Piedras Negras, Coahuila, failed in October when management fired independent union leaders, elected in March, in one plant, as well as a slate of independent candidates who had announced their intention to run in future union leadership elections in another plant.

Mexican laws on defamation were excessively restrictive and tended to undermine freedom of expression. As a means of chilling investigative reporting, public officials and politicians sued journalists who published articles exposing alleged acts of corruption and embezzlement. Besides monetary penalties, journalists faced criminal prosecution for their alleged defamation of public officials. In April, for example, former Mexico City Mayor Rosario Robles filed criminal defamation charges against a journalist for an article that appeared in the daily newspaper *Reforma*, which reported on alleged corruption during the Robles administration. If convicted, the journalist could face up to two years in prison. In another case, an arrest warrant was issued in October against the director and seven correspondents of a newspaper in Chihuahua, who faced defamation charges for a series of articles that reported on corruption allegations against the former mayor of Ciudad Juarez, Manuel Quevedo Reyes.

Journalists occasionally faced violence at the hands of government agents. News correspondents reported being beaten by police in several states—including Chiapas, where police officers reportedly beat a correspondent in March, and Hidalgo, where police officers reportedly assaulted and broke the leg of a camera operator in June.

Mexico ratified a number of international human rights treaties, including, in March, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, and, in April, the Inter-American Convention on Forced Disappearances. Ratification of the statute of the International Criminal Court was delayed after the Congress declined to vote on a proposal submitted by President Fox for a constitutional amendment that would remove potential legal obstacles to ratification. At the time of this writing, congressional leaders were debating whether to draft their own constitutional amendment before voting on the treaty.

DEFENDING HUMAN RIGHTS

Government officials and civilians who challenged abuses committed by members of security forces were vulnerable to violent reprisals. An officer of the Baja California state human rights ombudsman's office reported being subject to threatening phone calls from members of the Mexican border patrol ("Grupo Beta") after she began investigating charges that they had abused a group of forty-two migrants detained near the U.S. border.

In February, police in Ciudad Juarez, Chihuahua, gunned down lawyer Mario Escobedo Salazar under highly suspicious circumstances. Escobedo and another

lawyer had reported receiving telephone threats for three months from unidentified male callers who warned them that they would be killed if they continued representing two men who had confessed to a crime after having been illegally detained and allegedly tortured by police. Just prior to being killed, Escobedo called his father on his cell phone and said he was being pursued by police who intended to kill him. In April, a judge threw out criminal charges against seven police officers involved in the incident, accepting their claim that Escobedo had provoked his own death by opening fire on them.

Over a year after the shooting death of human rights lawyer Digna Ochoa in October 2001, government investigators had yet to resolve the case.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In April, the United Nations high commissioner for human rights, Mary Robinson, and Mexico's under-secretary of foreign affairs in the area of democracy and human rights, Mariclaire Acosta, signed the second phase of a technical cooperation program for Mexico. The program focused on assessing the human rights situation in the country, combating torture and ill-treatment, and promoting the rights of indigenous people. In July, the two parties agreed to open an in-country office of the U.N. rights agency that would work with the government and civil society organizations on the preparation of a national human rights program to address those issues, as well as on problems related to the administration of justice.

Throughout the year, Mexico maintained a standing invitation to the United Nations Commission on Human Rights (UNCHR) to send special thematic rapporteurs to investigate human rights conditions in the country. In February, the special rapporteur on the rights of migrants conducted a fact-finding mission to Mexico and the United States, finding that migrants were subject to violations on both sides of the border. In April, the special rapporteur on the independence of judges and lawyers presented the findings of his May 2001 mission to Mexico. His report attributed chronic impunity to a variety of factors, including corruption within the judicial system, harassment and intimidation of human rights defenders, and obstacles to communication between lawyers and imprisoned clients.

In August, the representative of the United Nations secretary-general on internally displaced persons visited Mexico to examine the situation of internal displacement. Finding that internally displaced communities lacked adequate legal protection and assistance, he urged the government to formulate a national policy on internal displacement.

Organization of American States

The Inter-American Commission on Human Rights sent its special rapporteur on the rights of migrant workers and their families to Mexico in July to participate in a series of "working meetings" with government officials and human rights

organizations. The commission also issued several recommendations to the Mexican government related to its handling of specific human rights cases.

European Union

The first Mexico-European Union summit under the Economic Partnership, Political Coordination and Cooperation Agreement between the two parties took place in Madrid in May. Participants reiterated their commitment to the promotion and implementation of the human rights provisions of the U.N. Charter and in international human rights instruments. The leaders agreed to strengthen political and economic coordination and cooperation.

United States

In March, in its annual human rights report, the U.S. Department of State described “impunity” and “disregard of the law” as being “major problems” in Mexico, especially at the state level. It observed that while the government “generally respected many of the human rights of its citizens,” there were still regions of the country “where a poor climate of respect for human rights presents special concern.” Despite such criticisms, however, the U.S. government did not pursue strong bilateral action to promote human rights, but focused instead on issues such as economic relations, immigration control, and narcotics.

Efforts that had been underway to develop a bilateral agenda to address migration and other issues—which had gained momentum prior to September 11, 2001—were largely abandoned by the Bush administration in 2002. In August, President Fox cancelled a visit with President Bush to protest the execution of a Mexican citizen in Texas.

PERU

While Peruvians had high hopes that the government of President Alejandro Toledo would make a decisive break with the authoritarian policies of his predecessors, his administration lacked a clear vision of human rights and often seemed to be improvising in the face of conflicting pressures. The truth commission established by caretaker president Valentín Paniagua in 2001 and supported by Toledo enjoyed credibility and wide public support, despite political attacks and budgetary problems. However, the quest for truth was not matched by comparable progress in the quest for justice, with prosecutors making little headway on key rights cases.

Important reforms were instituted in the national police force, but torture remained endemic. Prison conditions did not improve, and in some cases sharply deteriorated. Belated government proposals to reform the draconian anti-terror-