



Centro de Derechos Humanos
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FOCUS

Human Rights in Mexico

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Upon their visits to Mexico, representatives from the UN, the IACHR and Amnesty International emphasised that in spite of the Mexican government's willingness to promote human rights internationally, much still needs to be done at the national level.

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Nadia's new life

As explained in the article in this issue of Focus, Nadia Zepeda was freed on August 25 2005, after nearly three years of unjust imprisonment. Immediately after her release, Nadia faced a lack of support from the authorities for her re-incorporation into society and prejudice by those members of society who doubt her claims of innocence.

When the legal notification of her release was issued, Nadia was immediately removed from the prison. She barely had time to pick up her belongings and did not even have the opportunity to call her family to inform them of her release. According to the prison authorities, subsequent to Nadia's release, they are only responsible for supervising her during her parole period.

As Nadia unexpectedly found herself outside of the prison, she called a close friend who picked her up and immediately took her home. Upon the news of her release, a public demonstration in the context of the Centre Prodh's campaign "Justice for Nadia", which was to take place that very day, was cancelled and a press conference was held which was attended by the national and international media and, of course, by Nadia herself.

In the days following her release, Nadia was interviewed several times and in at least one of these interviews some of the prejudice that she will face in the future was evident. The interviewer asked Nadia to explain her case, which she did in a calm manner. The interviewer then told her, in a sarcastic and inquisitorial manner: "you say this as if nothing has happened" and added, "you claim to be innocent but everyone in prison claims to be, why are you any different?" Then he asked Nadia "what is it that you are looking for by opening up an investigation against the police officers you claim raped you? Revenge?" Nadia replied to his comments and questions,



Nadia Zepeda Molina on the day she was freed, August 25, 2005
Photo: Centre Prodh Archive / Tania Gómez

explaining that she had received psychological help, which is why she was so calm; that she believed that many people in prison are innocent because there are often flaws in the system, and that what she was looking for was justice, not revenge.

Nadia is determined to continue her struggle until obtaining full justice, but in the eyes of many, Nadia is still a criminal. This cultural context will not contribute to her reintegration to society, nor is the legal system designed to do so. Nadia will surely receive her family's support and be accompanied by the Centre Prodh in her struggle, but there is an unsolved issue which is that there are many women in a similar situation who do not receive this help. Unless there is a radical change in the structure of the legal system, cases like Nadia's will be a constant. We hope that our campaign "Justice for Nadia" will raise awareness of the human rights violations that occur in the context of hard-line security policies. However, these are issues that can only be truly solved by a governmental policy designed and applied according to the State's human rights obligations.

Nadia Zepeda: One of the many victims of the Mexican justice system

Nadia's story



Nadia Zepeda Molina in Santa Martha women's prison in Mexico City, June 2005
Photo: Centre Prodh Archive / Tania Gómez

Nadia Ernestina Zepeda Molina was arbitrarily detained on January 23, 2003 while walking down the street with her former boyfriend and a mutual friend in the "Agrícola Oriental" neighbourhood in Mexico City. Nadia and her friends were detained without an arrest warrant for more than two hours by police officers that belong to the today extinct special security group "Sagitario". During the time of her detention, Nadia was tortured physically and psychologically. Furthermore, Nadia was raped and sexually abused by the police who also threatened to collectively rape her. Before her detention, Nadia was a normal high school student, the daughter of a working mother who lived a standard life.

Nadia Zepeda faced a criminal process rife with irregularities, amongst them the absence of the presumption of innocence, as she was presented to the media as a delinquent before she was found guilty by a judicial authority and she was held incommunicado for two days. Additionally, no authorised or timely medical care was provided to deal with the many injuries that the police officers caused her during the time of her detention, including the sexual attack. Furthermore, she was forced by the officials to accept that her injuries were old injuries not caused by her detention. Subsequently, Nadia was charged with selling drugs and was condemned to a five-year prison sentence. The "Miguel Agustín Pro Juárez" Human Rights Centre (Centre Prodh), assumed Nadia's defence in July 2004. She has recently been freed after unjustly spending nearly three years in prison. Currently Nadia and Centre Prodh have filed two formal complains against the police officers that attacked Nadia before two different Attorney General's offices but they both have faced obstacles in their development.

The *Sagitario* group and other special security forces were created in order to restore the government's political image of inefficiency at tackling violence within Mexico City. The deployment of these forces has paradoxically facilitated corruption and the abuse of power by the police officers in charge.

The Centre Prodh's campaign of a paradigmatic case

From the Centre Prodh's point of view, Nadia's detention is a paradigmatic case, as it is representative of many of the human rights violations that are common in Mexico, such as violations of the right to due process, the right to physical integrity, the right not to be discriminated against and others. These violations are particularly common during the police operations implemented by the Ministry of Public Security of the Federal District ever since Rudolf Giuliani's recommendations on public security were issued in 2001 (*La Jornada*, *Masiosare*, August 14, 2005). As a result of these recommendations, this and other special groups and forces were created in order to combat small-scale drug dealing. During these operations, women have been placed in a more vulnerable position than men, as the Human Rights Commission of the Federal District (*Comisión de Derechos Humanos del Distrito Federal*) highlighted in its recommendation 06/2004, which indicated that more than 70 victims, including women, have declared being victims of abuses similar to Nadia's during their detention.

The Centre Prodh considers Nadia's case to be part of a larger pattern of human rights violations in Mexico. Because of this, the Centre decided

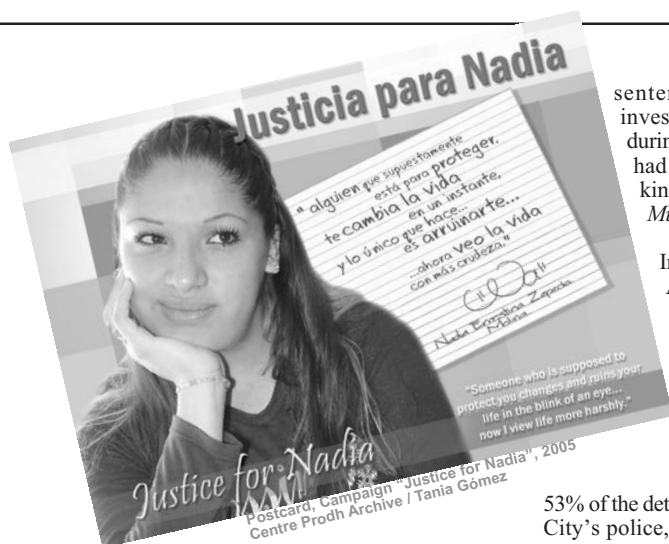
to begin the national and international campaign "Justice for Nadia". This campaign has been supported by different national and international human rights organisations and it aims to understand justice as an integral process in which Nadia would be freed, declared innocent by the system, receive an appropriate reparation and in which those responsible would be prosecuted and sanctioned by the State.

First, the campaign is focused on the discourse regarding the human rights of women and it aims to demonstrate the consequences of structural violence and discrimination against women in Mexico. Such structural violence places women in a more vulnerable position than men within the legal system. The importance of this analysis resides in the fact that human rights violations against women encompass certain characteristics that are different from men's. These characteristics are rooted in the gender construction, the social roles and stereotypes that society has historically given to women and men. The case of Nadia demonstrates that the position of women within the system is unequal to that of men, as women are culturally subordinated to men in the patriarchal structure. Therefore, a specific gender approach to this type of violations is needed, in which violence against women as a form of discrimination is the central part of the problem.

In this sense, we believe that the Mexican government has failed to protect not only the citizen's civil and political rights but also to fulfil its obligations contained in the UN Convention on the Elimination of All Forms of Discrimination against Women -that defines discrimination against women (art. 1)- and in the Inter-American Convention on the



Left to right: Mrs Carmen Molina (Nadia's mother), Luisa Pérez (Prodh's lawyer), Nadia Zepeda Molina, Carlos Mario Gómez (Director AI Mexican section) and David Velasco sj (Prodh's director) during the conference press given on the day she was freed. 2005 Photo: Centre Prodh Archive / Tania Gómez



Prevention, Punishment and Eradication of Violence Against Women "Convention Belém do Pará (art. 2).

Here is important to consider the complicated cultural situation faced by Nadia. Although rape is a crime in Mexico, its social implications make it difficult to establish culpability. Rape is explained and sometimes seen as being provoked by women; as a result, it is very difficult to obtain justice for the victims. On the one hand, Mexican society's moral stigmas are likely to condemn women who are victims. Subsequently rape "... is not about an action from an isolated individual, it is the collective that supports and legitimates certain types of violence. On the other hand, men that rape, beat, insult, harass or offend a woman, do it because they believe it is legitimate to do so and that they will not be punished by society". (Marta Torres, México: 2004).

The second focus of the campaign is linked to the increasing feeling of "insecurity" experimented by Mexico City's inhabitants and how sectors of society have pushed for some hard-line changes in legislation and security policies. These policies go against basic human rights and imply a stigmatisation of certain types of social groups, such as young people from a low social status. From our point of view, Nadia's case is part of this pattern, which has particularly affected young people.

Common irregularities in criminal investigations

The Centre Prodh's believes that Nadia's case is not unique. The inquisitorial criminal system in place in Mexico, where the principle of presumption of innocence is not always respected is a one of the main sources of human rights violations. For example, the Christian Association for the Abolition of Torture (*Asociación de Cristianos Contra la Tortura*, ACAT) elaborated an assessment in the female prison "Santa Marta Acatitla" regarding the detentions of women that have been convicted and sentenced by the State. They carried out a survey of 79 women accused of serious crimes, who were either awaiting their sentence or who had already been

sentenced. This survey sought to investigate whether any irregularities during their detention and whether they had suffered torture and if so, what kind (*Diagnóstico de la Situación de Mujeres en Cárceles*, ACAT, 2004).

In regards to the detention process, ACAT reports that 62% of the interns indicated that police officers had no official warrant to justify their detention. 32% percent reported being misled by police officers in order to take them to the prosecutor's office.

53% of the detentions were performed by Mexico City's police, nevertheless 15% of the women were not aware of the officers' division because the officers were dressed as civilians, hooded, they did not have any ID, or they did not identify themselves. It is important to mention that 84% of the women interviewed had been held incommunicado during their detention and in 87% of these cases this lasted for a day or more.

Additionally, 75% of the women said that they signed some papers at the police station, which might have been their statements or confessions. However only 29% knew about the contents of the documents and agreed to sign them, while 7% were forced to sign. 54% expressed that they did not know the contents of the documents they signed, as they were not allowed to read them. 9% confirmed that their statement was dictated to them but that they could not read the documents' final version, so they did not know

if their statement was modified or not. Finally, 8% said that they signed a blank paper.

Regarding their right to legal defence, 39% of the women interviewed said that they did not receive legal aid while 59% received legal advice. 36% of the women had been provided with a court appointed defence council; 15% had a private lawyer and 8% an advocate (an unqualified legal advisor). However, only 28% of the women that were assisted could talk to their lawyers before giving a statement. 90% of the women said that they did not know their rights at the time of their detention and that no one explained to them why they had been detained.

As for the physical and psychological treatment, ACAT was able to disclose the following: 64% of women were victims of ill-treatment and physical aggressions during their detention; 51% confirmed that they were mistreated even after the detention; 78% were victims of verbal aggressions, threats of torture, death threats against them or their family or humiliation; 52% of the women were beaten in different parts of their bodies and 54% were required to stand still for a long time. In most of the cases, water and food were not provided and the women were held incommunicado. Additionally, 23% of the cases presented severe physical signs of torture such as: cigarette burns, electric shocks, verbal aggressions, and the denial of water and food.

Positive results

Although Nadia was subject to much of the violations described above, a positive outcome



of the first stage of the Centre Prodh's campaign, which focused on obtaining Nadia's freedom, was achieved on August 25, 2005. At 3 pm, the Centre Prodh received a liberation certificate in favour of Nadia Ernestina Zepeda, signed by a dependency of the Ministry of Public Security's Office of Prevention and Social Re-adaptation (*Órgano Administrativo Desconcentrado de Prevención y Readaptación Social de la Secretaría de Seguridad Pública*). Through this notification, Nadia was granted the benefit of parole under supervision.

Pending issues

The Centre Prodh considers Nadia's liberation a sign of sensitivity shown by the federal authorities towards an innocent woman who was unjustly treated and, as it is, a tacit recognition by the State of its responsibility in this case.

However, much still needs to be done regarding the case. For Nadia, her family, and the Centre Prodh, the need for integral justice before Mexico City's authorities remains present. Therefore, we demand:

1. The recognition of Nadia's innocence
2. The definition of the public servants' responsibilities for these violations according to the criminal investigations opened against them.
3. That the events themselves be clarified.
4. The full reparation of damages.
5. The implementation of measures by Mexico City's authorities to ensure the no repetition of a case such as this one.

Conclusion

Nadia's case exposes the inequality and disadvantage experienced by Mexican women when facing the justice system. Her case, as

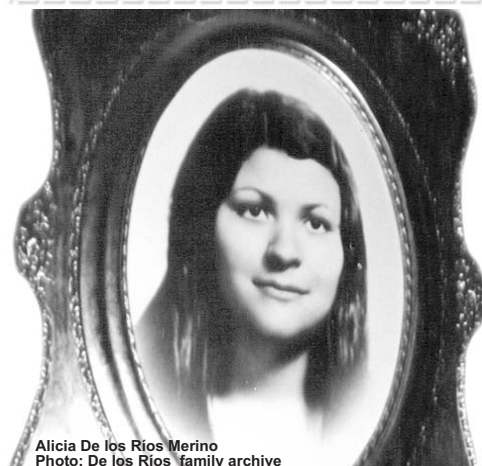
mentioned above, reflects a structural problem that concerns gender discrimination at the different levels of the State's institutions. Here we exposed structural problems that have to do with the legal system and gender discrimination, illustrating the complexities of the problem. The campaign "Justice for Nadia" aims to open a window of opportunities to women who are in a similar situation and who have become aware of the irregularities in their legal proceedings, which constitute human rights violations, and to encourage them to denounce such irregularities and look for justice.

For further information on Nadia Zepeda's case contact Centre Prodh: prodh@centroprodh.org.mx check our website: www.centroprodh.org.mx

For further information on ACAT's survey contact: acat@att.net.mx

Forced disappearance in Mexico:

The case of Alicia De los Ríos Merino and her daughter



Alicia De los Ríos Merino
Photo: De los Ríos family archive

Historical context

As was explained in our past issues of *Focus*, the period from the 1960s to the 1980s in Mexico was marked by a State policy of repression directed towards political dissidents, which was in accordance with a regional policy of the period known as the "dirty war". The governments presided by Gustavo Díaz Ordaz (1964 – 1970), Luis Echeverría Álvarez (1970 – 1976) and José López Portillo (1976 – 1982) systematically repressed the opposition through violating the human rights of political groups, unions, student organisations, farmer organisations and others who opposed the government (Aguayo, Sergio, *La charola: una historia de los cuerpos de inteligencia en México*, Grijalbo, 2001).

After years of silence, an investigation carried out by the National Human Rights Commission (*Comisión Nacional de Derechos Humanos*, CNDH) in 1992 opened a window of opportunity to clarify the events that occurred in this period.

Subsequently, the CNDH's recommendation 26/2001 on November 27, 2001 documented more than 500 forced disappearances. As a result, almost ten years after the first official investigation took place, Vicente Fox's government established the *Special Prosecutor's Office to Provide Attention to Events that Probably Constitute Federal Crimes Committed Directly or Indirectly by Public Servants Against Individuals Connected to Social and Political Movements of the Past* (FEMOSPP). (see Focus Winter 2002, Spring and Winter 2003, Spring and Summer 2004 and Spring 2005 for past FEMOSPP assessments)

The forced disappearance of Alicia De los Ríos Merino and her daughter

The deterioration of socio-economic conditions and the exhaustion of peaceful means for political participation in Mexico resulted in the radicalisation of the sectors that were critical of the regime. Alicia De los Ríos Merino joined one these groups in 1973 and she has been disappeared since 1978.

In 2002, after the establishment of the FEMOSPP, the "Miguel Agustín Pro Juárez" Human Rights Centre assumed the legal representations of Alicia De los Ríos Merino's family. The case is the third regarding crimes of the past in which the Centre Prodh has participated.

Alicia's story

Alicia was born in the northerner state of Chihuahua. In 1968, she was part of the first female group that entered the engineering faculty; she also began her political activism at this time. From then onwards, she alternated her

activities between her university studies and political participation.

In 1973, while Alicia was in the third year of her engineering classes in Chihuahua city, she decided to leave behind her home and studies in order to continue her political activities clandestinely and join the 23 of September Communist League (*Liga Comunista 23 de Septiembre*, the *Liga* hereafter), one of the urban guerrilla groups existing at this time.

Alicia participated actively in the *Liga* between 1973 and 1977. In time she became the person responsible for the Military Committee in Mexico City. Alicia gave birth to a baby girl, also named Alicia De los Ríos, at the beginning of 1977. However, as Alicia wanted to fulfil her obligations with the *Liga*, she asked one of her sisters to look after the baby and to take her to Chihuahua so that the baby would not be put at risk.

Alicia De los Ríos, daughter, who is part of the "*Comité de Madres de Desaparecidos Políticos de hihuahua*", the Mothers' Committee of Victims of Disappearance in Chihuahua, explains that: "*In March 1977, a month after my birth, my aunt [travelled] to Mexico City. She went to pick me up... When she arrived in Mexico City she stood in a corner in the northern part of the city, hoping that someone from the Liga would see her. After a few hours a car passed by. I was in the backseat in a cradle... this was the last day my mum nursed me*".

Soon after this, Alicia reinitiated her political activities. On January 5, 1978 she took part in a confrontation between the *Liga* members and more than 20 federal agents coordinated by the

governmental Office of Federal Security. As a result of this confrontation, three people died and five were detained, including Alicia. From the day Alicia that was detained (there are official documents that prove her detention), her family has not had news of her. Nevertheless, testimonies exist of people who assure that they saw her in different prisons in the years following her detention. Several witnesses have also declared that Alicia was pregnant when she was detained. Even in the CNDH's report, mentioned above, there is a testimony made by the doctor that attended to Alicia when she gave birth to another baby girl in the Women's Prison in Mexico City at the end of 1978.

After years of searching, the De los Ríos family decided to file a complaint before the FEMOSPP with the legal representation of the Centre Prodh. To date the case remains in the preliminary investigation period.

The investigation has been focused on looking for signs regarding Alicia and her daughter's whereabouts, and also on gathering evidence to demonstrate the State's responsibility in their disappearance. Currently, the last inquiries of the preliminary investigation are being carried out and it is expected that before long the case will go to trial before a federal judge. For Alicia's family and the Centre Prodh, this period is particularly relevant: up until now the FEMOSPP has filed suits on their investigations into cases of the disappearances of political dissidents based solely on the crime of illegal detention.

Upon filing a suit based on this crime, the FEMOSPP overlooks the fact that forced disappearance is a violation of human rights that goes against the right to freedom, as well as interfering with the right to personal integrity, the right to the presumption of innocence, the right to due process and in many cases, the right to life. Furthermore, this neglects how the situation deeply affects the victims' families. The Inter-American Court on Human Rights itself has emphasised the peculiarities of this grave violation when establishing that "The forced disappearance of human beings is a multiple and continuous violation of many rights under the Convention that the States Parties are obligated to respect and guarantee..." (Inter-American Court on Human Rights, Velasquez Rodriguez case, Judgment of July 29, 1988, par. 155).

In light of this, the Centre Prodh and the De los Ríos family sustain that a trial for this case must be held for the crime of forced disappearance. The petition is not only based on a legitimate claim for justice, but also on the real possibility that the FEMOSPP will assume a more progressive roll and incorporate vanguard criteria that respect international legislation on this

matter. In this sense, we have requested the FEMOSPP to follow the recent criteria established by the Supreme Court (Thesis 49/2004 and 50/2004), who, upon resolving a constitutional controversy, sustained that forced disappearance is a continuous crime and therefore, that the Inter-American Convention on Force Disappearance is applicable while the victims' whereabouts remain unknown.

The FEMOSPP's most recent actions

The FEMOSPP's most recent actions have been strongly questioned. On July 26, 2005 the Judicial branch decided not to initiate a criminal procedure against the ex president Luis Echeverría and his Interior Minister Mario Moya Palencia for the events that occurred on June 10, 1971, known as the *Halconazo* when about 25 students were massacred in Mexico city. This meant that the opportunity to bring to justice those responsible for one of the most significant chapters of political repression in Mexico was lost (*La Jornada*, July 27, 2005). Although the FEMOSPP has exclusively attributed the responsibility for this decision to the judges and magistrates in charge of the cases, for several years there have also been doubts about the actions of FEMOSPP and the legal arguments it used. (HRW, "Justice in Jeopardy: Why Mexico's First Real Effort To

Address Past Abuses Risks Becoming Its Latest Failure", July 2003).

Apart from this, Carrillo Prieto, the head of FEMOSPP's, has been accused by FEMOPPS' ex-public servants of making omissions, apparently on purpose, in the investigation of the alleged responsibility of Sergio García Ramírez in tragic events. García Ramírez, the current president to the Inter-American Court on Human Rights and a prominent member of the *Partido Revolucionario Institucional* (PRI), was the chief of intelligence services and the Attorney General for Mexico City when the two bloodiest events of the Mexican dirty war took place: the Tlatelolco massacre in October 1968 and the *Halconazo* in June 1971 (see (*El Proceso*, June 12, 2005; *El Financiero*, *Indicador Político*, August 31, 2005. Also see *Focus* Summer 2004 and Spring 2005).

In addition to this, the FEMOSPP has also been criticised after declaring publicly that it will not file a suit for criminal investigations for the disappearances of political dissidents on the basis of force disappearances, but rather that it will continue to do so on the basis of the crime of illegal detention, a crime that dilutes the State's responsibility and that is subject to a statute of limitation.



Alicia De los Ríos (daughter) member of the "Comité de Madres de desaparecidos políticos de Chihuahua", and Sebastián (her son)
Photo: Archivo Centro Prodh / Tania Gómez

Conclusion

As a result of the above, we consider that there are serious obstacles in the search for full justice for the forced disappearance of Alicia De los Ríos and her daughter, as well as for countless other cases that involve this crime. The Mexican State has repeatedly shown its lack of will to fulfil the recommendations issued by regional and international human rights bodies in this regard and more recently the recommendation made by the Office of the UN High Commissioner for Human Rights in Mexico, in the sense of “strengthening the current research mechanisms for the crimes of the past” (see *Diagnóstico sobre la situación de los derechos humanos en México*, UNHCHR, 2003, recommendation 12).

The disappearance of Alicia De los Ríos Merino and her daughter has yet to be clarified. The FEMOSPP’s deficient actions, the little interest shown by the government to strengthen the research mechanisms for crimes of past, and the reluctance from judges to adopt international human rights standards, all favour impunity in this and other similar cases.

Nevertheless, Alicia’s family has not stopped its search for justice. Alicia, daughter, has expressed her determination in this struggle when affirming: “What we can do is to continue searching, filing, and registering little pieces of our stories in images, voices. [We need to] demand respect for our mistreated rights and to believe them achievable. And to be happy, that’s it”. Her words remind us of the legendary struggle by organisations of the detained-disappeared in countries such as Argentina and Chile. In contrast to the limited will by the State to investigate these events, Alicia’s words also remind us that, as has happened in the Southern Cone, pressure from the international community will be indispensable so that impunity for the crimes of the past does not prevail and in order to guarantee that the investigations are not obstructed by interests that will become relevant in the electoral year which is about to begin.



Alicia De los Ríos Merino detained in 1978. Photo: De los Ríos Merino family archive



Is Mexico safer now? The implementation of the “Safe Mexico” security operation

Drug trafficking violence

Over the last few months, the levels of violence primarily linked to drug trafficking have peaked. It was reported in the press that more than 300 people had died in drug-related violence in six of the country’s northern states from the beginning of the year to the end of June. Many of these individuals were killed in an execution-style. This violence has mostly affected border towns, particularly Nuevo Laredo (*The Economist*, June 30, 2005).

The United States’ government has perceived this violence as concerning, leading to its criticism of the Mexican government’s inability to control the situation. The US government has claimed that this violence has affected US interests and since the beginning of this year, it has repeatedly issued Mexico travel warnings to its citizens (Reuters, August 17, 2005).

The implementation of “Safe Mexico”

The Mexican government reacted to these levels of violence a few months after the renewal of warnings by the US, and days after the killing of Alejandro Domínguez Coello, who was killed just seven hours after his appointment as municipal Minister

of Public Security in Nuevo Laredo, by implementing the hard-line security operation called “*México Seguro*” (“Safe Mexico”) on June 13, 2005. As a result of the implementation of “Safe Mexico”, Support Forces of the Federal Preventive Police (*Policía Federal Preventiva*, PFP) and the Federal Investigative Agency (*Agencia Federal de Investigación*, AFI) ostentatiously took over municipal law enforcement in Nuevo Laredo. The federal government’s reasoning behind this action was that most local police officers were involved in drug trafficking, which is why the levels of violence had increased with the apparent acceptance by the local police forces. The PFP and AFI held municipal policemen in prison and began to investigate each of them, resulting in the opening of several preliminary investigations. “Safe Mexico” has been implemented in eight cities in three states: Tamaulipas, Baja California, and Sinaloa. It may be extended to Michoacán, the State of Mexico, Chihuahua, and the Federal District (*La Jornada*, June 20 2005).

Unfortunately, this security operation has not succeeded in stemming the tide of violence in many parts of the country. This is particularly the case in Nuevo Laredo, where homicides continue, amongst them

the murder of a relative of an imprisoned policeman who had organised a demonstration to oppose the “Safe Mexico” operation on June 17. The press has recently reported that approximately 600 people have died as a result of drug trafficking violence (Reuters, August 17, 2005), 300 more than those reported at the end of June. Also, eight judges in charge of drug trafficking cases reported having received death threats by organised crime members (Reuters, August 25, 2005). This brings to mind the situation in Colombia, where members of the judiciary opted to implement trials with faceless judges (*juices sin rostro*), when judges and other judicial staff covered their faces to avoid being identified and subject to reprisals. These measures were widely criticised then by human rights experts for considering it a violation to the right of due process. In the case of Mexico, judges ruled out this option and instead accepted the protection provided to them by the federal government (Reuters, August 25, 2005).

The Mexican government under international pressure

In the last month, the US government has again reacted, in different ways, to the situation in Mexico. It decided to close the US consulate in Nuevo Laredo on August



1 (USINFO, Mexico, August 1, 2005). In mid-August, the governors of Arizona and New Mexico declared their border counties in a state of emergency, which they claimed responded to this situation (Reuters, August 13, 2005 and *The Arizona Republic*, August 16, 2005). The US government also issued further strong criticism against the Mexican government, pushing for even tighter measures.

“Safe Mexico”, another source of human rights violations

The Mexican government has claimed that this violence is a sign of their success at removing the heads of diverse drug cartels, and that as a result different drug gangs are fighting to gain power. This may be partly true, but according to experts, this violence is also generated because the government does not have the mechanisms necessary to deal with the criminals. For example, the recent public security policies were not accompanied by similar changes in the rest of the government, which means that they are not sustainable and will end up failing (Chabat Jorge’s speech “*Efectos No Deseados de la Lucha contra las Drogas: Violencia y fragmentación de cartels*”, Washington Office for Latin America (WOLA) and others, seminar “Drugs and Democracy in Mexico: The impact

of drug trafficking and anti-drug policies; Mexico City, June 21, 2005).

From the Centre Prodh’s point of view and from a human rights perspective, the implementation of the “Safe Mexico” operation is troubling. We have already expressed our concerns about the composition of the PFP and AFI in past issues of *Focus*, since they are integrated by a mixture of members of civil and military corps. The drug trafficking problem has been presented by the Federal government as a national security problem, which blurs and confuses the concepts of national security and public security. We do not share the government’s views on the legitimacy of the Armed Forces to watch over the local police forces since they have also been accused of serious human rights violations. Moreover, this sort of policy is against recommendations by international human rights bodies, such as the Office of the UN High Commissioner on Human Rights in Mexico, in its “Assessment on the Human Rights Situation in Mexico” issued in 2003, as well as the recommendations by the UN Special Rapporteur on Extrajudicial Executions (E/CN.S/2000/3/Add.3 del 25/11/99, par. 107.b).

Furthermore, we believe that the Federal government has made a mistake in defining drug trafficking as a national security matter only and by investing most of its efforts to tackle this problem from this perspective. But this is a problem that has different sides, because it is also a public health and a marginalisation

problem. As a result of this security operation, there have been reports of the abuse of power, such as arbitrary detentions, ill treatment by police officers, restriction to the right to free movement, and searches to citizens’ properties without a legal warrant.

Conclusion

Despite the implementation of the ostentatious “Safe Mexico” operation, its main objective of controlling the situation of violence related to drug trafficking has not been fulfilled, and on the contrary, its members have been blamed for serious human rights violations.

The Mexican government has apparently given in to pressure by the United States government to approach this problem by applying hard-line measures, which have worsened the human rights situation in Mexico. The Mexican government has also further involved the Army in law enforcement tasks, contradicting once again the recommendations made by human rights bodies.

It is evident that an urgent solution to this situation is needed, but we believe that an integral solution must be applied that looks at the economic, socio-cultural as well as the criminological reality of the country, since hard-line law enforcement measures alone will not be enough and in fact, they distance the government from its international human rights obligations.

After Ratifying the Optional Protocol to the Convention against Torture, Many Issues Remain Pending.



Mexico ratified the Optional Protocol to the *Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT) on April 11, 2005. This Protocol is the result of years of negotiations between the State parties to the Convention Against Torture, and the Mexican government is one of its stronger supporters. The Protocol establishes a dual system of visits that includes the creation of a National Preventive Mechanism in each country that ratifies the Protocol as well as an International

Subcommittee on Prevention, based in Geneva. Both systems may visit any detention centre in order to prevent the use of torture. Mexico is the seventh country in the world –and the second in Latin America– to ratify the OPCAT, which will enter into force after its twentieth ratification by a State party. The ratification of this international instrument constitutes a very important step because it obliges the Mexican government to take concrete measures to eradicate the practice of torture.

Unreal expectations from human rights organisations

The OPCAT’s implementation in Mexico is extremely relevant because in spite of the fact that after a five-year investigation, the UN Committee Against Torture (CAT) concluded in May 2003, that “the police commonly use torture and resort to it systematically” (CAT/C/75), the situation regarding the practice has not changed dramatically in the country.

Consequently, the implementation of the National Preventive Mechanism has generated expectations amongst civil society because of the possibilities it creates of having an effective mechanism to prevent torture where both civil society and experts could take part. Unfortunately,

during a seminar organised by the Office of the UN High Commissioner in Mexico in mid-July, this possibility looked unlikely given that representatives from different governmental offices stated clearly their conviction that the National Human Rights Commission (*Comisión Nacional de Derechos Humanos*, CNDH) would be the ideal body to carry out the National Preventive Mechanism’s tasks. This is a concerning stance since most human rights organisations have serious doubts regarding the impartiality of the CNDH.

Torture still constant in Mexico

For instance, in the context of the III European Union- Latin American and the Caribbean Summit, held on May 28-29, 2004 in Guadalajara, Jalisco, dozens of young people who participated in the demonstrations on May 28 and many others who were in the area or looked suspicious, were detained, beaten and stripped of their clothes. In addition, they were left with no food and prevented from sleeping for more than a day. The CNDH as well as the organisation Human Rights Watch cited the documentation of 73 cases involving illegal detentions, 55 cases of cruel and degrading treatment, 73 cases of incommunicado detentions, and 19 cases of torture. As of May of this year,

three people remain in prison (*La Jornada* newspaper, May 29, 2005). For its part, Amnesty International (AI) reported that more than 100 people had been detained and 49 of them (four minors) have been put on trial for diverse crimes based on confessions obtained through torture (AI, AMR 41/034/2005).

It is evident that this case involves a grave situation of physical and psychological mistreatment against the victims. To date, the local and federal authorities have not fulfilled their duty to seriously investigate the abuses and to punish those responsible, thus permitting impunity for those who abused their authority. In this regard, Amnesty International's 2005 Annual Report states that the government of Jalisco and the Federal Executive "undermined justice" when they ignored the commission of grave human rights violations. A part of the AI's delegation in the context of their recent high level mission to Mexico in August, found further evidence of torture and ill-treatment, and emphasised the lack of will from the local authorities to investigate the grave allegations of torture and the failure from the federal government to accept its responsibility in the case (AI, AMR 41/034/2005).

Apart from the situation in Guadalajara, in its 2004 Annual Report, the Human Rights Commission of the Federal District (*Comisión de Derechos Humanos del Distrito Federal*) reviewed 79 cases of torture, which represents an increase of more than 23% from the previous year. In the report, the Commission states that, "in no circumstances can the information be overlooked even when the cases do not conclude in a recommendation".

Similarly, the Miguel Agustín Pro Juárez Human Rights Centre (Centre Prodh) registered in the press 26 violations of physical integrity as a result of police misconduct from the period January 2004 to March 2005 (see full report at www.sjsocial.org/PRODH). The most frequent actions reported were: physical and psychological attacks, intimidation, harassment, threats, arbitrary detentions, and sexual harassment. This happened in the states of Chiapas, Guerrero, Mexico State, Oaxaca, Hidalgo, Durango, Chihuahua, Morelos and Mexico City. In Oaxaca, for instance, the victim was an indigenous Mixe

who after being detained arbitrarily was brutally beaten by seven agents of the State Ministerial Police.

The result found by the Centre Prodh's analysis was that the members of the judicial police and the municipal police, both at the local and federal level, are the public servants who are most likely to use torture, particularly when seeking a confession to implicate the detainees in crimes such as drug possession, homicide, robbery, and kidnapping. In effect, torture is generally committed during the detention period and while the victim is in the custody of the apprehending agent; torture is principally carried out in police installations.

Archaic and biased investigation techniques and legal mechanisms

Additionally, police forensics techniques are not updated as frequently as they should be. As a result, the analysis of evidence of torture in the majority of cases is not effective for determining the serious physical and psychological suffering that has taken place. This situation has even been emphasised by the pro-government CNDH. In this sense, it is of utmost importance that the medical and forensic expert evaluations be effectively applied at all levels of jurisdiction (federal, state, and municipal) within the justice system according to the Protocol of Istanbul. Although the Federal General Attorney's Office (*Procuraduría General de la República*, PGR) purportedly applies this Protocol, the lack of independence of the experts involved in its implementation places serious concerns about its objectivity.

On a similar basis, the PGR adopted "25 Actions to Combat Torture" supposedly to fulfill the recommendations directed to Mexico by the international human rights bodies. However, these actions do not tackle some of the most important causes of torture. For example, they maintain the validity of a confession made before a public prosecutor as well as the existence of *separos* (cells designed to hold the detainee provisionally at the prosecutor's facilities while a crime is investigated).

It should also be pointed out that in Mexican law, the *Federal Law to Prevent and Punish*

Torture (1991), though subject to the international treaties ratified by Mexico, presents limitations that compromise the State's international obligations. Indeed, as the *Assessment on the Situation of Human Rights in Mexico* (2003) stated, national law should be modified to conform it to the guarantees established in the Inter-American Convention to Prevent and Punish Torture (Oficina del Alto Comisionado de la NU para los Derechos Humanos, Diagnóstico sobre la Situación de los Derechos Humanos en México, p. 33).

Conclusion

In light of the above, it is indispensable and urgent to reform national law and general practices in order to guarantee the detainees' protection against ill-treatment. Though the reforms of the rules and practices of criminal proceedings are an important step that could contribute to the reduction in the instances of abuse within Mexico's legal system, it is important that public servants are investigated and prosecuted for acts of torture. This could reduce the impunity that the majority of the perpetrators of the abuse enjoy, as in many cases they are only investigated when some state or federal human rights commission emits a recommendation on the case.

In this context, it is of utmost importance that the Mexican government, which promoted the adoption of the OPCAT, now ensures that the composition of the National Preventive Mechanism is defined in a participative and transparent way. Indeed, the federal government should not unilaterally decide on how to establish this system. On the contrary, prior to its establishment, a debate must be opened up with various social actors (non-governmental organisations, social workers such as psychologists, physicians, etc.) in order to analyse national legislation as well as the work of already existing institutions that realise visits to places of detention (these range from prisons to migration, psychiatric, military, minor detention centres as well as houses for the elderly). Furthermore, issues such as the independence of the National Preventive Mechanism and the diversity of its composition (crossing gender as well as ethnical representation) will be indispensable conditions to be met.

Different International Human Rights

Organisations Visit Mexico

The UN High Commissioner for Human Rights' first official visit to Mexico

The UN High Commissioner for Human Rights, Louise Arbour, paid her first official visit to Mexico from June 29 to July 1. The main objective of her visit was to attend a meeting organised by the Ministry of Foreign Affairs on the reform of the United Nations, where more than 25 countries were invited to attend. Mrs.

Arbour took this opportunity to meet with representatives from different governmental bodies and with human rights groups to discuss concerning human rights issues in the country.

During the meeting held between the High Commissioner and several NGOs, the National Network of Human Rights Organisations "All Rights for All" (*Red Nacional de Organismos de Derechos Humanos "Todos los Derechos para*

Todos") and the Centre Prodh, as part of the Network, requested that a more intense dialogue takes place between human rights organisations and the representative of the Office of the High Commissioner for Human Rights in Mexico (OHCHR). The National Network also called for the local representative's mandate to be renewed after 2006. This is because, according to the 2000 Technical Cooperation Programme (TCP), the OHCHR was established in 2001 in

order to monitor the implementation of the programme, which is scheduled to conclude by the end of 2006.

In this meeting, the Centre Prodh also presented a critique of the performance of the *Special Prosecutor's Office to Provide Attention to Events that Probably Constitute Federal Crimes Committed Directly or Indirectly by Public Servants Against Individuals Connected to Social and Political Movements of the Past* (FEMOSPP). Other organisations denounced violations committed against indigenous people, women, migrants, children and expressed concern regarding the rampant impunity in the country and the lack of respect shown by the Mexican State for international human rights instruments (For more information see the *Newsbrief* on the Rome Statute).

After the meeting, Louise Arbour expressed her concern about impunity and the abuses against children and women in Mexico. She also said she was in favour of the idea to renew to OHCHR's mandate after 2006, although she made no mention of broadening its mandate.

Amnesty International's high level mission

Irene Khan, Amnesty International's (AI) Secretary General, and an AI delegation, visited Mexico from August 8 to 10, 2005. Irene Khan and AI's delegation met with different representatives from governmental bodies, where the meeting held with the Minister of Defense, General Clemente Vega Garcia, stands out, because this was the second time the Minister of Defense agreed to meet an AI delegation. They also visited Chihuahua City, where she had the opportunity to meet with families of women and girls who have been killed in Ciudad Juárez, as well as with human rights organisations. As is mentioned in another article of this edition of *Focus*, part of the delegation met with the government of Jalisco regarding the illegal detention and torture of participants in a manifestation held in Guadalajara last year.

In the context of the visit, AI organised a panel discussion with the three main political parties: PAN, PRI, PRD and Alternativa Democrática –a recently created party. Human rights groups, including the Centre Prodh, as well as academics and highly recognised political analysts were invited to attend. The event demonstrated the secondary nature of human rights issues for most political parties. This is seen in the fact that most of the representatives from the political parties who were invited did not attend the event, particularly the PAN and PRD's party leaders. Those who did attend were clearly not suitable representatives for the event given their low hierarchical position within the parties and their lack of deep knowledge of human rights.

Nevertheless, after the event, AI's Secretary General issued a strong open letter to the political parties highlighting her main concerns. She emphasised that the Mexican government's "progressive stand on human rights

internationally," was disappointing since the government does not "show equal determination to address serious human rights problems in its own country". The letter also mentions that even though "Mexico is at cross roads,...respect for human rights ... is largely absent from the political agenda, or only present in empty roads". She challenged political leaders to "move from rhetoric to concrete action..." (AI, press release, AMR 41/033/2005, August 10 2005).

Furthermore, AI emphasised in this letter that the Federal government "has not been determined enough, Congress has dragged its feet for party political gains and the judiciary has failed to recognise international human rights standards in its decisions" (idem). At the state level she stressed that serious human rights violations, such as the "killings of women and girls in Ciudad Juárez, impunity for rape of indigenous women in Guerrero, the harassment of journalists in Oaxaca..." amongst others, are continuous. Finally, AI called on the future Presidential candidates to base their human rights agenda on eight main themes: 1) The international human rights agenda, 2) Constitutional reform, 3) Security and judicial reform, 4) Violence against women, 5) Human rights defenders, 6) Impunity, 7) Indigenous rights, and 8) Economic, Social and Cultural rights (idem).

The visit of the IACHR's Special Rapporteur on Indigenous People and on Mexico

José Zalaquett, the Inter-American Commission on Human Rights' (IACHR) Special Rapporteur on Indigenous People, who also serves as the Commission's Special Rapporteur on Mexico, visited the country for almost a week beginning on August 26, 2005. This is Dr. Zalaquett's last official visit to Mexico as a Rapporteur for the IACHR given that he will finish his work as a Commissioner in December of this year.

During Zalaquett's visit, he held meetings with governmental officials and with different human

rights organisations in Mexico City and Oaxaca City. In the meetings, human rights groups took the opportunity to denounce a series of concerning issues in Mexico. The Centre Prodh raised its concerns on governmental policies in the area of public security. Other NGOs talked about economic, social and cultural rights, militarisation, human rights defenders, immigration and indigenous people.

The IACHR Rapporteur stated that he knew of 15 cases of human rights violations in Oaxaca, mainly against women and indigenous people, including a case of some imprisoned indigenous people who are allegedly part of an armed rebel group, the Revolutionary Popular Army (*Ejército Popular Revolucionario*, EPR). He also mentioned that the IACHR has received claims dealing with human rights violations particularly from Oaxaca, Chiapas and Guerrero and the northern states. Zalaquett stressed that it is important to have laws, but that it is more important that they be respected. (*La Jornada*, August 31, 2005).

Conclusion

As is illustrated above, upon their visits to Mexico, representatives from international human rights bodies and non-governmental organisations recognised the Mexican government's willingness to promote human rights issues internationally, but they emphasised that this same willingness is not reflected at the national level, where much more still needs to be done. It is no coincidence that this current period has been marked by these visits, as it is a crucial moment for the current - and the next- government's human rights agenda. In light of this, we hope that these important visits will encourage the current administration to correct its past erroneous actions, and for those aiming to be part of the next government, to design a human rights public policy based on the concerns raised by these and other human rights organisations.



Louise Arbour, UN High Commissioner for Human Rights and Norberto Frydman during their visit in Mexico City
Photo: Archivo Centro Prodh / Mélanie Berthaud F.

Further violations of the right to freedom of expression in Mexico: the case of the *Noticias* newspaper, Oaxaca.

Last June 17, 600 persons affiliated to the Revolutionary Confederation of Workers and Farmers (*Confederación Revolucionaria de Obreros y Campesinos*, CROC), a labour union affiliated to the PRI and headed by David Aguilar Robles, hung strike flags outside the *Noticias* newspaper facilities in Oaxaca, claiming to be *Noticias*' employees and allegedly affirming that they had gone on strike. In the meantime, the real employees were inside the newspaper's facilities and unable to abandon the area as members of the CROC would have entered and taken over the newspaper. Aguilar Robles is the General Secretary to the CROC-Oaxaca, a PRI local deputy, and titular of the collective labour contract with *Editorial Taller*, the newspaper's publisher. Actions of this type were common during the PRI's rule of Mexico, when they were used as a mechanism of control and repression against those who opposed their interests.

In response to this situation, the authentic employees formed what they called the "Workers Coalition of the *Noticias* Newspaper" and they did not recognise CROC's strike or Aguilar Robles as their leader. Ericel Gómez Nucamendi, the newspaper's director, maintained that the Coalition had 102 members and was a legitimate organisation. On the other hand, the CROC leader affirmed that the Coalition was made up of Gómez Nucamendi's relatives. The CROC also considered that the people inside *Noticias*' facilities were illegitimate workers and supporters of the newspaper's owner.

It is important to add that alleged conflicts between Ulises Ruiz, the current governor in Oaxaca from the PRI party and the newspaper *Noticias*, have been known ever since Ruiz' electoral campaign. According to Gómez Nucamendi, printed copies of issues of *Noticias* that they produced while the conflict was occurring were stolen in transit before being sold allegedly by members of the Public Prosecutor's Office. Gómez Nucamendi interpreted this as a revenge against *Noticias* for not having supported Ruiz' electoral campaign.

On July 18, four CROC members and police officers dressed as civilians forcefully entered *Noticias*' facilities and ousted the employees who had been inside the facilities for 31 days. The employees denounced the destruction of computers and other equipment (*La Jornada*, 23/07/05).

The National Human Rights Commission (CNDH), issued recommendation 13/2005 on June 10, asking governor Ulises Ruiz to stop the violations committed against *Noticias* workers in regards to freedom of expression. In response, Ruiz affirmed that the conflict was exclusively labour related and therefore that it had nothing to do with a violation of the right to freedom of expression (*La Jornada*, 29/07/05). Ruiz declared this during a ceremony on August 2, where he received a prize granted by the National Association of Commentators in recognition of his actions to promote the traditions and cultures of the state of Oaxaca. Considering the allegations of violence and lack of freedom of expression that were present at the time, awarding this prize seems out of context.

The federal government was slow to react to the events in Oaxaca. The Ministry of the Interior got involved a month after the problem began, previously stating that they considered the "*Noticias*" situation to be a local problem, and therefore, that it was not an issue to be considered at the federal level. Nevertheless, and as a result of social pressure, on July 18 this Ministry announced the intention to form a group for dialogue between Gómez Nucamendi and Aguilar Robles in order to solve the problem. The Coalition decided to stop this dialogue recently blaming the Ruiz Ortiz governor for obstructing the negotiations. In the meantime CROC members keep their so called strike (*La Jornada*, 08/09/05).

Several journalists and human rights organisations – amongst them the Centre Prodh (see press release at <http://www.sjsocial.org>) – have publicly condemned the lack of political will from the Oaxacan government to solve this conflict. Additionally, a petition for precautionary measures supported by highly recognised personalities and social movements was made to the Inter-American Commission on Human Rights on July 25, 2005 (*El Universal online*, July 25, 2005).

The case of *Noticias* is not an isolated one. As we reported in our last Focus, aggressions against journalists and barriers to freedom of expression are common in Mexico. An aggression to a newspaper like *Noticias* in the state of Oaxaca, where old control mechanisms were used and where the federal government failed to respond in a timely manner, illustrates one of the several dimensions of the human rights violations against journalists and freedom of expression that are ongoing in the country.

The Sixth Zapatist Declaration

On June 19, 2005, the Zapatista National Liberation Army (EZLN) issued a red alert at the national and international level, calling on its support bases for a consultation. This alert brought confusion within society since their intention was unclear, although their standing was gradually clarified through various communiqués. On June 20, they stated that the EZLN's red alert was a precautionary defensive measure to make an assessment of their organisation. Beginning on June 28, they made public the three parts of their *Sixth Declaration of the Lacondona Jungle*.

The Sixth Declaration deals with the current political debate in Mexico and it is marked by the Zapatistas' critique towards "politics from above", identified as the politics carried out by the political parties that are contending for the 2006 presidential election. From the Zapatistas' point of view, the problem is that all of the presidential candidates have a neoliberal tendency. As a consequence, the Zapatistas made a call for "another campaign" whose objectives are the following: 1) to obtain a new way of doing politics; 2) to create a leftist national programme; 3) to announce a new Constitution as a result of this leftist national programme. It should be noted that this Zapatista plan is not new as it is found throughout their past five declarations.

The last communiqués issued by *Subcomandante Marcos* are characterised by a critique towards the presidential pre-candidates from the three main political parties, particularly against Andrés Manuel López Obrador, the PRD's pre-candidate. This has generated confusion amongst support bases from the left. The Sixth Zapatist Declaration is available at: www.ezln.org

Currently the EZLN is carrying out a wide reaching consultation with different sectors of society, including socio-political organisations, indigenous people and NGOs. The Centre Prodh has decided to participate in this process. The results of the consultation will be made public on September 16, which is Mexico's Independence Day and the most important national celebration in the country.

The Council of Europe's Parliamentary Assembly issues Resolution 1454 on the Murders of Women in Ciudad Juarez

The Council of Europe is a European institution based in Strasbourg (France) that promotes human rights, parliamentary democracy and the primacy of law. It is composed of 46 European countries and has five observing countries: Mexico, the United States, the Holy See, Canada and Japan. The Council of Europe sets international standards of protection such as European conventions in different fields and issues special recommendations to States (in and outside Europe) that define specific directives.

The Council of Europe's Parliamentary Assembly adopted Resolution 1454 titled "Disappearance and murder of a great number of women and girls in Mexico" on June 21, 2005, after several visits to Mexico carried out by the Special Rapporteur Ruth-Gaby Vermot-Mangold, also chairperson of the Commission on Equity of Opportunities between Men and Women. The 630 parliamentary members of the Assembly discussed Ms. Vermot's special report and then approved the resolution.

The resolution highlights the fact that since 1993 hundreds of women and girls have been murdered in the northern border region of the state of Chihuahua. It states that "despite a clearly discernible political will, a general commitment and the efforts by the state and federal authorities, too many cases remain unsolved and too many victims unidentified. What is worse, such crimes continue to be committed." Additionally, it is affirmed that the resolution of these cases is a responsibility shared by the three branches (Executive, Legislative and Judicial) and emphasises the need to implement a cooperation program between the Council of Europe and Mexico, in the field of legal reform. Said program, as presented in Resolution 1454, would pursue the following goals:

- Reforming the judiciary, including reforms to promote equality of treatment between the Public Prosecutor's Office and the victim, the prevention of torture and the investigation of accusations of torture, and ensuring that prosecutors efficiently, rapidly and transparently investigate every case of femicide.

- Promoting equality between men and women which would include campaigning aimed at preventing and fighting gender-based violence, guaranteeing equal participation of women and men in decision-making processes, and fighting against discrimination towards women.

The report by the Special Rapporteur Ruth-Gaby Vermot-Mangold is available at:
<http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta05/ERES1454.htm>

A twist to the ratification of the Rome Statute by the Mexican government.

The Mexican government has been active in promoting the establishment of the International Criminal Court (ICC). This has been a constant ever since the idea to create a permanent treaty-based court –in contrast to The Hague (1993) and Rwanda (1994) Tribunals – began to be discussed among the UN State members at the beginning of the nineties.

The ICC was established through the Rome Statute on July 17, 1998 and since 2002, it has been based in The Hague. The ICC has jurisdiction on crimes such as genocide, war crimes and other gross human rights violations (Milenio, June 22 2005). Its establishment has strengthened international criminal law since it is meant to ensure that any individual presumably responsible for gross human rights violations will be punished.

The Mexican Senate took five years to ratify the Rome Statute, entering into force in Mexico on June 21, 2005. However, despite the fact that the Statute does not admit any reservation (Article 120), the Mexican government has put a "lock" on its implementation. Indeed, a decree published on June 21, 2005, reforming Constitutional Article 21 stipulates that the Executive shall recognise ICC jurisdiction only after "prior approval from the Senate on a case by case basis" (La Jornada, May 5 and June 22). As a consequence, the Legislative branch will have the ability to agree to -or block- any potential case meant to be sent to the ICC. This is an important limitation to the Statute's future use (Coalición Mexicana por la Corte Penal Internacional, press release, July 20).

In light of this, the way in which the Mexican State adopted the Rome Statute represents a serious drawback, particularly considering the impunity of many human rights violations. Given the current political situation, it can only be hoped that the government that enters into power in 2006 will revise said reform.

Glossary

CNDH, *Comisión Nacional de Derechos Humanos*, National Human Rights Commission. Government body set up in 1990 to investigate human rights abuses.

CNDHDF, *Comisión de Derechos Humanos del Distrito Federal*. Government body set up to investigate human rights abuses in Mexico city.

FEMOSPP, *Special Prosecutor's Office to Provide Attention to Events that Probably Constitute Federal Crimes Committed Directly or Indirectly by Public Servants Against Individuals Connected to Social and Political Movements of the Past*. A prosecutor's office created to investigate crimes that occurred mostly during the "dirty war" period in Mexico.

IACHR, Inter-American Commission on Human Rights.

ICC, International Criminal Court

OHCHR, Office of the UN High Commissioner for Human Rights.

Ombudsman, an individual appointed to receive, investigate, report on and (in some instances) resolve complaints against institutions.

OPCAT, Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

PAN, *Partido Acción Nacional*, National Action Party, centre-right party of President Fox.

PRD, *Partido de la Revolución Democrática*, Party of the Democratic Revolution, centre-left opposition party.

PRI, *Partido Revolucionario Institucional*, Revolutionary Institutional Party, which held power for 71 years until defeated in the July 2000 elections.

National Preventive Mechanism, system contemplated by the OPCAT to prevent the use of torture in detention facilities.

PRODH was created in 1988 as an institution dedicated to the promotion and defence of human rights. It has four programs of work: integral defence, educational processes and monitoring and public policy; and three work areas: international relations, communication and organisational development. PRODH has consultative status with the United Nations Economic and Social Council and it also has the status of Accredited Organisation with the Organisation of American States.

PRODH works with groups throughout Mexico to consolidate human rights protection. Since its founding, it has given effective support and solidarity to groups and persons who have suffered injustice, poverty, and marginalisation.

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