



# HARASSMENT OF HUMAN RIGHTS DEFENDERS IN MEXICO

August 1994

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## INTRODUCTION

A wave of repressive incidents has been directed against Mexican non-governmental organizations in the months leading up to the August 1994 presidential election. These groups, particularly those who work in the defense of human rights, and the Catholic church, have become the targets of harassing actions by government agents and a series of defamatory articles appearing in national and local media. This paper details some of those incidents, clarifies the international legal protections owed non-governmental organizations in Mexico, and recommends that the Mexican government promptly act to ensure the security of human rights defenders and investigate all cases of harassment, including detentions, illegal searches and seizures, defamation, and intimidations.

From April to July of 1994, the Mexican National Network of Civil Organizations for Human Rights ("National Network") documented 86 occurrences of harassment, including one assassination, directed against non-governmental organizations ("NGOs").<sup>1</sup> While acknowledging that still more acts of repression have yet to be documented, the National Network condemned the series of hostilities against NGOs as a campaign to discredit their work. The cases detailed by the National Network have affected a wide range of NGOs throughout Mexico, including human rights, children's rights, electoral observation, artisan, community development and religious groups.<sup>2</sup> Non-Mexicans assisting Mexican NGOs have also been subject to harassment. The following discussion details several cases of repression against NGOs as illustrative of the series of incidents independently documented by the National Network prior to the August 21, 1994 national elections.

### 1. **ILLEGAL SEARCHES AND DETENTIONS DIRECTED AGAINST NON-GOVERNMENTAL ORGANIZATIONS**

Mexican government officials have targeted non-governmental organizations with illegal searches of offices or homes, and with the improper detentions of members. The National Network denounced ten cases of detentions and twenty cases of illegal searches in the period of April to July 1994.<sup>3</sup> In several cases, the officials conducting searches have invoked their belief that the NGOs were hiding weapons, and that these weapons were destined for the use of the Zapatista Army of National Liberation (EZLN), but police agents conducting searches frequently failed to obtain necessary search warrants, and military forces have undertaken searches outside their scope of responsibility. Illegal detentions have occurred in a number of contexts, and several incidents have transpired at the military roadblocks established in Chiapas in the wake of the January 1994 Zapatista uprising. The effect of these governmental actions has been a heightened concern for personal and organizational security on the part of many Mexican human rights defenders.

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<sup>1</sup> Report by the Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todos," (National Network of Civil Organizations for Human Rights "All Rights for All"), August 10, 1994.

<sup>2</sup> Neither actions against political organizations nor human rights violations against the general public are included in the National Network report.

<sup>3</sup> National Network report, August 10, 1994.

## **Palenque, Chiapas**

Human rights and health workers participating in the Committee in Defense of Indigenous Liberty (CDLI) in Palenque, Chiapas have been the subjects of intimidating tactics and searches. On February 6, 1994, Manuel Mendez Gonzalez and Francisco Gonzalez Gutiérrez were detained at the military roadblock in Chancala, Chiapas for approximately three hours.<sup>4</sup> During their detention, the two human rights outreach workers were accused of being Zapatistas, threatened with violence and interrogated about their activities. A datebook carried by one was reviewed by the soldiers present, who copied information from it including meeting dates of the Committee.

On June 23, 1994 approximately 15 agents of the Federal Judicial Police searched the offices of the Jesuit-run Catholic organization Encouraging Cultural Education (FCE), the parent organization of the CDLI.<sup>5</sup> At the time, the five children of a couple who work with the CDLI, Hugo Cameras and María Myers, were present.<sup>6</sup> The police failed to produce a search warrant, but searched the office for two hours, saying that they had received anonymous information regarding the presence of arms. No weapons were found. Human rights workers in Palenque are afraid for their personal security and that of their families after these intimidating actions by the federal judicial police and the military.

## **San José el Paraíso, Oaxaca**

The Union of Indigenous Communities in the Isthmus Region (UCIRI) in Oaxaca, carries out educational programs at its Center for Campesino Education (CEC) in San José el Paraíso. On March 24, 1994, 20 adults were at the Center when between 50 and 70 Mexican soldiers approached them with weapons drawn.<sup>7</sup> The soldiers entered the CEC property by jumping a barbed wire fence, and several crawled on their stomachs towards the office. The apparent commander of the operation questioned the individuals present as to: the name of UCIRI's leader, their objectives, if they had arms or a weapons training camp, and if Father Beltrán, whom they identified as inciting violence in his masses, directed the Center.<sup>8</sup>

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<sup>4</sup> Minnesota Advocates for Human Rights telephone interview with members of the Committee for the Defense of Indigenous Liberty, August 13, 1994.

<sup>5</sup> *Proceso*, "Sin éxito, la demanda de los jesuitas contra 'Summa'; el Ministerio Público permitió a Zabludovsky no presentarse a declarar," July 4, 1994, at 20.

<sup>6</sup> *Id.*, and Minnesota Advocates for Human Rights interview with member of the Committee for the Defense of Indigenous Rights, July 20, 1994.

<sup>7</sup> Letter from UCIRI to the Tepeyac Human Rights Center, March 25, 1994.

<sup>8</sup> Letter to Lic. Jorge Madrazo Cuellar, President of the National Commission of Human Rights, from the Tepeyac Human Rights Center, March 29, 1994.

## Comitán, Chiapas

The President of the Human Rights Association of the South-Southeast in Comitán de Domínguez, Chiapas, Enrique Perez Lopez, was seized on April 10, 1994, by approximately 40 armed ranchers.<sup>9</sup> The ranchers threatened Perez Lopez with bodily harm and delivered him to the Comitán Center for Social Retraining (CERESO), where he was imprisoned. Perez Lopez was later charged with plundering, after the ranchers surrounded the prosecutor's office and intimidated NGO observers present, and was assigned an excessively high bail. He denied any wrongdoing. While imprisoned, Perez Lopez reviewed the files of several prisoners who said they had been unjustly convicted. On May 16, Perez Lopez and 36 other prisoners at the CERESO began a hunger strike. Perez Lopez was removed from the prison on May 19 and informed that his bail had been "taken care of." Members of the Human Rights Association of the South-Southeast expressed their belief that he was removed in order to squelch his assistance to other prisoners.<sup>10</sup>

## El Carrizal, Guerrero

At approximately three in the morning on July 15, 1994, a group of armed men broke into and searched a Catholic retreat house in El Carrizal, Guerrero.<sup>11</sup> After cutting the electricity to the house, the men roused twenty Jesuit novitiates, forced them into one room of the house, and then thoroughly searched the building. The men, who failed to present a search warrant, removed documents used in the retreat, three wallets and three watches, but left behind more valuable items. A human rights activist in the region received information that the responsible parties were under direction of the Coordination of National Security,<sup>12</sup> but said that due to the darkness it was impossible to firmly identify the individuals.<sup>13</sup>

## Copainalá, Chiapas

Several Catholic churches and the NGO Civic Front (Frente Cívico) in the community of Copainalá, Chiapas were the subjects of a Mexican military operation during the second week of July, 1994. On the morning of July 11, 1994, approximately 300 soldiers arrived in Copainalá in six trucks and two armored vehicles.<sup>14</sup> The soldiers conducted a search for alleged EZLN weapons in several Catholic church properties, including the parish of San Miguel, the Colegio Auxilio, an abandoned 12th century church, and a local rectory. Although the military openly undertook a search, which is more properly the responsibility of police forces who can be issued search

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<sup>9</sup> Minnesota Advocates interview with Human Rights Association member, July 22, 1994.

<sup>10</sup> *Id.* The hunger strike resulted in the review of several prisoners' cases and their ultimate release.

<sup>11</sup> *La Jornada*, "Allanan judiciales una casa donde se efectuaba un retiro espiritual," July 18, 1994.

<sup>12</sup> For a discussion of the Coordination, an umbrella office of national security forces created by Executive Order on April 26, 1994, please see: The Mexican Coordination of National Public Security: A Discussion of Legal and Human Rights Issues, Minnesota Advocates for Human Rights (June 1994).

<sup>13</sup> *Proceso*, "Concidencia del Gobernador y del Arzobispo de Guerrero: Nada Saben del Ataque a 20 Novicios de la Compañía de Jesus," July 25, 1994, at 40.

<sup>14</sup> *La Jornada*, "Operativo militar en el municipio de Copainalá." July 18, 1994 at 5.

warrants,<sup>15</sup> and the search lasted over three hours and did not turn up any weapons, it was called a "routine visit" by the Minister of the Interior in Chiapas, Rodolfo Ulloa Flores.<sup>16</sup> On the following day, the President of the Civic Front, Abenamar Zraos Juárez, reported that the Mexican military returned to Copainalá to search the offices of Civic Front and approximately 40 homes in the community, where no arms were found. Zraos Juárez demanded an end to the "hostilities" against the Civic Front and the village of Copainalá.<sup>17</sup>

Since the armed conflict in Chiapas began, soldiers from the Mexican military and Federal Judicial Police have also searched the Chiapas parishes of Ocosingo and El Bosque, allegedly to find arms destined for the EZLN.<sup>18</sup>

## 2. ATTACKS ON NON-GOVERNMENTAL ORGANIZATIONS IN THE MEDIA

Media attacks on non-governmental organizations and particularly on the Catholic Church are escalating in both frequency and seriousness. The National Network reported 36 incidents of defamation and slander of NGOs from April to July, 1994.<sup>19</sup> The defamatory news pieces often refer to alleged links between NGOs and subversive activities, such as taking part in or supporting anti-government armed movements. The defamed individuals and groups have vigorously denied their participation in such activities, and have pointed to a failure by news organizations to produce evidence of these alleged links. The Mexican government's dismissal of a defamation case this spring, in which a Jesuit was accused of being a Zapatista leader, has been highlighted as inviting more widespread slander and an escalation of violence against these organizations.

### National Newspaper Alleges Jesuit Priest is Zapatista Leader

On April 8, 1994, a Jesuit priest, Jerónimo Hernández López, was accused in *Summa* (a national newspaper controlled by Mexico's most powerful television network, Televisa) to be Sub-Commander Marcos, the Zapatista (EZLN) leader and spokesman.<sup>20</sup> Hernández has vigorously denied the charges in interviews with *Summa* and other media organizations, and Sub-Commander Marcos has also made public statements to that effect. On April 21 the Jesuits filed a charge of defamation against the newspaper. The State Attorney General refused to take any action and judicial authorities said that they could not find any defamatory elements in the stories, despite the

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<sup>15</sup> Search warrants in Mexico can be issued to police authorities. Under a Declaration of a State of Emergency, constitutional provisions prohibiting the Mexican military from conducting searches may be suspended, but no such State of Emergency has been declared in Mexico since the Zapatista-lead uprising in January of 1994.

<sup>16</sup> *La Jornada*, "Operativo militar en el municipio de Copainalá," July 18, 1994 at 5.

<sup>17</sup> *La Jornada*, "Versión de que fueron allanados recintos religiosos en Copainalá." July 17, 1994.

<sup>18</sup> *Id.*

<sup>19</sup> National Network Report, August 10, 1994.

<sup>20</sup> Soon after the Zapatista uprising began on January 1, 1994, Televisa broadcast that Fr. Pablo Romo Cedano, Executive Secretary of the Human Rights Center "Fray Bartolomé de las Casas" in Chiapas, was Sub-Commander Marcos. Romo, who was in Mexico City at the time, firmly denied the allegation.

fact that the newspaper never provided any evidence of subversive activities.<sup>21</sup>

On several occasions after the Jesuits filed charges, *Summa* published allegations that it had "a great quantity of information" that would demonstrate Jesuit links to guerrillas and anti-government activities.<sup>22</sup> The Jesuits announced on July 9, 1994 that they had appealed to the governmental Human Rights Commission of the Federal District (CDHDF) due to the court's failure to pursue the defamation charge. The director of the Mexican Archdiocesan Office for Human Rights, Teresa Jardí, said that the decision not to take penal action "shows a judiciary domesticated by different political interests."

### **National Magazine Accuses NGOs in Chihuahua of Supporting Armed Groups**

An article published in the national magazine *Impacto* accused several non-governmental organizations in the state of Chihuahua of aiding armed groups in the local mountain region, the Sierra Tarahumara. The July 7, 1994 article, "They want to set Mexico aflame in the Name of God," specifically pointed to several non-governmental organizations as supporting insurgency activities, including: the leading Chihuahua human rights group, the Commission of Solidarity and Defense of Human Rights (COSYDDHAC) and its president, Javier Avila S.J., the Group of Mothers of the Politically Disappeared and its organizer, Martha de los Ríos, the Center for Attention to the Working Woman (CAMT), the Parish of Colonia Anáhuac and Father Camilo Daniel Pérez, the Center for Theological Reflection (CRT), and the National Center of Aid to Indigenous Missions (CENAMI).<sup>23</sup> A member of the opposition political party, the Democratic Revolutionary Party (PRD), José Luis Rodríguez, was also listed as assisting guerilla efforts in the region.

All of the individuals and organizations have firmly denied the allegations and some government offices have made statements in support of the NGOs and denying guerilla activity in the area.<sup>24</sup> Nevertheless, the NGOs have sensed repercussions from the accusations. De los Ríos mentioned her concern that the article was orchestrated by the Ministry of the Interior, with the intent of damaging the image of social organizations, as a tool to later justify political repression against them, particularly after the August 21 elections.<sup>25</sup>

### **Two Congressmen Accuse Bishop Samuel Ruiz García of Aiding the Zapatistas**

Two ruling party Congressmen, one of whom is a retired general, have accused Bishop Samuel Ruiz García, of San Cristóbal de las Casas, Chiapas, of funneling international aid monies to support the EZLN. General and President of the Congressional Commission on National Defense Ramón Mota Sánchez, and Cuauhtémoc López Sánchez said on July 12, 1994 that they had

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<sup>21</sup> *La Jornada*, reprinted in *Diario de Chihuahua*, "A la CDHDF, denuncia de Jesuitas vs. Televisa," July 9, 1994, at 1-2.

<sup>22</sup> *Proceso*, "Sin éxito, la demanda de los jesuitas contra 'Summa'," July 4, 1994 at 18-19.

<sup>23</sup> *Impacto*, "En el Nombre de Dios," July 7, 1994 at 24-27.

<sup>24</sup> *Diario de Chihuahua*, "Rechazan posible guerilla en la Tarahumara," July 8, 1994.

<sup>25</sup> *Diario de Chihuahua*, "Prepara gobierno represiones," July 8, 1994.

"deduced" that Ruiz, an internationally recognized defender of indigenous rights, was financing the Zapatistas. Both stated that they felt no obligation to present any proof of the allegation.<sup>26</sup> López Sánchez declared that the majority of funding came from the German organization, the Catholic Committee against Hunger and for Development.<sup>27</sup> Bishop Ruiz commented: "For some time, I have been accused of having a five-thousand meter tunnel full of arms.... When there is an authority I will respond, but I have no response for a slanderer." Regional newspapers in southern Mexico have repeated the charges against Bishop Ruiz.

When the government's Commissioner for Peace and Reconciliation in Chiapas, Jorge Madrazo Cuellar, rose to Ruiz' defense and urged that such statements were not conducive to peace in Chiapas, Mota Sánchez responded that he had only wanted to respond to unfounded attacks against the Mexican military. Soon afterwards, he attacked Brigadier General José Francisco Gallardo Rodríguez for "endeavoring to modernize the Mexican military" and only attaining his rank by virtue of his equestrian skills.<sup>28</sup> Gallardo is presently being held in Military Prison #1 in Mexico City after the publication of his paper urging the creation of a military human rights ombudsman.<sup>29</sup>

### **National Newspaper Attacks Bishop Ruiz and Human Rights Advocates for Supporting the Zapatistas and Discrediting the Military**

Charging that the Human Rights Center "Fray Bartolomé de las Casas" was dedicated to the defense of delinquents and assassins, the July 24, 1994 issue of the newspaper *Novedades* launched a virulent attack on human rights advocates and the press in San Cristóbal de las Casas, Chiapas.<sup>30</sup> The Executive Secretary of the Human Rights Center, Dominican priest Pablo Romo Cedano was described as an instigator of armed conflict who criticizes the military only to assist guerrillas in the area with the "armed theology of liberation." Diocesan Vicar Gonzalo Ituarte Verduzco is alleged to have collaborated with Romo in efforts to assist the EZLN, specifically in the cases of two soldiers who were killed in March of 1993.<sup>31</sup> Romo has forcefully and repeatedly denied these allegations. *Novedades* identifies an attorney who previously worked at the Human Rights Center, Miguel Angel de los Santos Cruz, as a follower of liberation theology.<sup>32</sup> Bishop Ruiz is accused of supporting anti-government efforts by secretly financing the local newspaper *El Tiempo* and maintaining a close

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<sup>26</sup> *La Jornada*, "Mota y López acusan a Samuel Ruiz con base en `deducciones'," July 13, 1994.

<sup>27</sup> *Proceso*, "Con ataques a Samuel Ruiz, el general Mota Sánchez atrae los reflectores," July 18, 1994 at 35-38.

<sup>28</sup> *Id.*

<sup>29</sup> See *Stifling Human Rights Advocacy in Mexico: The Censure of Brigadier General José Francisco Gallardo Rodríguez*, Minnesota Advocates for Human Rights (May 1994).

<sup>30</sup> *Novedades*, July 24, 1994 at B-1 and B-2.

<sup>31</sup> See *Civilians at Risk: Military and Police Abuses in the Mexican Countryside*, Minnesota Advocates for Human Rights (August 1993), for a discussion of this case and government accusations against the Human Rights Center of "impeding" their investigation.

<sup>32</sup> De los Santos Cruz and fellow human rights attorney Carlos Enrique López Barrios, were subject to previous intimidations. On April 27, 1993, López was beaten by three men who took only his datebook. Both were photographed by soldiers on July 21, 1993 when defending individuals detained by the Mexican military.



relationship with its directors and with *La Jornada* reporter Elio Henríquez.<sup>33</sup>

### 3. TARGETING OF INTERNATIONALS ASSISTING MEXICAN HUMAN RIGHTS AND CHURCH ORGANIZATIONS

A number of incidents point to the potential selective application of immigration laws against internationals participating in non-governmental activities. In some cases, the application of immigration laws has occurred concurrently with allegations that the foreigner was assisting armed insurgency groups. In some cases the government apparently failed to satisfy the procedural requirements owed foreigners under Mexican law and international law ratified by Mexico and subjected them to particularly harsh treatment.

In Chiapas, a human rights organization based in San Cristóbal de las Casas, has charged that the federal Office of Migration, under the direction of the Ministry of the Interior, has begun a systematic campaign to "rid Chiapas of foreigners" (in the words of a local migration official).<sup>34</sup> The Coordination of Non-governmental Organizations for Peace (CONPAZ) reported that toward the end of February 1994, the Ministry of the Interior began a "census" of all foreigners in Chiapas. CONPAZ believes that the government will use this information to make foreigners' residence in the state of Chiapas more difficult. This effort is apparently in response to local demands for the expulsion of "undesirable foreigners."<sup>35</sup>

#### **Ecuadoran Priest Expelled from Chapulco, Puebla**

An Ecuadoran priest who lived in Mexico for over thirty years, Gonzalo Hallo del Salto, was violently expelled from the country on June 20, 1994.<sup>36</sup> Hallo del Salto, a parish priest in Chapulco, Puebla, has not disputed that he was an illegal resident of Mexico, but charged that he was violently expelled without the legal protections owed him, and was wrongly accused of supporting armed groups. Hallo del Salto described that on June 19 he was taken from his vehicle by several judicial police with machine guns who drove him to a nearby helicopter. He had a hood placed over his head which was removed in a hotel room (in Mexico City). There, he was accused of killing a soldier, was filmed, and gave a declaration before a functionary of the governmental National Human Rights Commission. He was then taken to the airport and placed on a flight to Colombia.<sup>37</sup> The Ministry of the Interior later stated, without providing evidence, that Hallo del Salto directed "an armed civilian organization that assisted hundreds of persons obtain arms."<sup>38</sup> Hallo del Salto firmly

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<sup>33</sup> Henríquez is reportedly suspicious due to his coverage of Zapatistas and "supposed military human rights violations." *Novedades* lists his home address and the full names of his wife and young daughter.

<sup>34</sup> Urgent Action Solicitation, Coordinación de Organismos No-Gubernamentales Por la Paz (CONPAZ), June 22, 1994.

<sup>35</sup> *Id.*

<sup>36</sup> *Proceso*, "Historia del Padre Gonzalo," June 27, 1994 at 28-29.

<sup>37</sup> *Id.*

<sup>38</sup> *Proceso*, "Disputas por dineros de la Iglesia en el fondo de la expulsión del sacerdote ecuatoriano," June 27, 1994 at 26 and 29.

denied this allegation, and pointed to a possible nexus between the local bishop and the government as leading to his expulsion.

### **Belgian Collaborator with CONPAZ Expelled from Mexico**

Belgian Frederick Vandersteende, a CONPAZ collaborator, reported that he was detained by Mexican officials on June 7, 1994 in the Cancún airport, in the state of Quintana Roo.<sup>39</sup> Vandersteende said that he was placed in confinement for two days, hand-cuffed and not given food. During this time, he reported that agents of the Federal Judicial Police cleaned and loaded their guns in front of him while accusing him of aiding the Zapatista guerrillas. He was permitted to board a plane to Europe only after signing a document (a copy of which was refused) stating that he would never return to Mexico.

The Mexican government's Subsecretary of Population and Migration Services at the Ministry of the Interior has denied that Vandersteende's human rights were violated.<sup>40</sup> The office expressed its desire to call public attention to a process in which "the law is scrupulously applied, [and] human rights are respected... that is now used by diverse persons and groups as a 'political' flag."<sup>41</sup> The Migration office declared that Vandersteende had overstayed his visa and engaged in prohibited internal political activity, as demonstrated by several visits to Chiapas and a "tactical manual" in his luggage. The office added that Vandersteende's entire "stay" in the migration office in Cancún was videotaped and photographed to avoid any suspicion of the violation of his individual rights.

### **Doctors of the World Staffers Advised to Leave Mexico**

Two international medical professionals from the organization Doctors of the World (Médicos del Mundo), who were voluntarily assisting at the Catholic Hospital San Carlos in Altamirano, Chiapas, were also forced to leave Mexico. On May 21, 1994 Peruvian Doctor Olga Ascurra Tarillo and French nurse Clare Pelot went to the Migration Office of San Cristóbal to renew their visas.<sup>42</sup> Migration official José Angel Martínez Rodríguez had them sign a letter in which they asked permission to "work" in Mexico, and then made an appointment with them for June 22 to pick up their visas. On this date, they reported that the official refused to receive them and gave them a ten day notice to leave the country, threatening to use the Public Security Police to expel them.

### **Humanitarian Aid Delegation Forbidden Access to Chiapas Community**

On July 24, 1994, twenty members of an international human rights delegation were forbidden access to the Chiapas community of La Morelia by members of the Mexican military and

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<sup>39</sup> *Id.*

<sup>40</sup> Communication No. 137/94 issued by the Ministry of the Interior, June 23, 1994.

<sup>41</sup> *Id.*

<sup>42</sup> COSSYDHAC, "Datos sobre hechos que se han producido a nivel nacional en contra de personas y ONGs." Report and written response, July 23, 1994.

immigration service.<sup>43</sup> La Morelia is the site of reported human rights violations committed by the Mexican military since January 1994 and has received several international humanitarian aid delegations. Despite previous notification of military authorities, the delegation was informed at the military roadblock at the entrance to Altamirano that they would be permitted to remain in the town for only 24 hours, and would not be permitted passage to La Morelia. The citizens of Canada and the United States, accompanied by a representative of CONPAZ were then videotaped by a man in civilian dress who refused to identify himself. Meanwhile, one member of the delegation who had lost his tourist card was detained for four hours by a man dressed in civilian clothing who later identified himself as an immigration official, Manuel de Jesús Robles. The authorities at the roadblock asserted that the delegation could not travel to Morelia based on their carrying tourist cards. When asked to substantiate the position that certain areas of the country were off-limits to tourists, Mr. Robles responded that he was following orders from his superiors in San Cristóbal de las Casas, Chiapas.<sup>44</sup>

#### **4. CASES OF INTIMIDATION AND HARASSMENT**

The National Network reported 19 cases of harassment and intimidation in its August report.<sup>45</sup> The number of incidents is likely far higher however, as several Mexican NGOs report ongoing surveillance of their work. The type of intimidations and harassment include photography or videotaping by government agents of NGO individual members and public meetings, apparent tapping or cutting of phone lines, and at the most serious level, bomb and death threats.

##### **Mexico City**

On August 9, 1994, threats against Mexican Jesuit priests appeared in several sites in Mexico City.<sup>46</sup> The text of the one page document reads: "JESUITS! ENOUGH! NO MORE BETRAYAL OF YOUR COUNTRY, In El Salvador Thousands of Indigenous Persons Died Before the Jesuits: Those Responsible for the Massacre. IN MEXICO THE JESUITS WILL DIE FIRST." The threat is signed by the "Squad for the Defense of the Catholic Faith and the Peace of Mexico." Catholic human rights organizations commented that the death threats they have received may be used as a pretext to initiate more open repression, and urgently solicited appeals to the Mexican government.

##### **Acapulco, Guerrero**

Spokesman and Vicar of the Archdiocese of Acapulco, Guerrero, Ramón Mendoza Zaragoza, said that "the clergy who profess liberation theology are alarmed because of the pending

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<sup>43</sup> Press Release from the Coordinación de Organismos No-Gubernamentales Por la Paz (CONPAZ) and Ecumenical Program on Central America and the Caribbean (EPICA), July 25, 1994.

<sup>44</sup> *Id.*

<sup>45</sup> National Network Report, August 10, 1994.

<sup>46</sup> Letter from Catholic Human Rights Offices to National and International Human Rights Organizations, August 9, 1994.

possibility of a search of their churches."<sup>47</sup> He added that "every day in mass there are agents of the Ministry of the Interior that tape the homilies," and described that fifteen priests are regularly followed as they work in Ecclesiastical Base Communities.

## **Xalapa, Veracruz**

Participants in the activities of the national election-monitoring NGO Civic Alliance reported incidents of government surveillance in the months prior to the presidential election. At one training session for election monitors in June 1994, an individual attempted to take photographs of the meeting. He was stopped but refused to identify himself and destroyed the film in his camera. Those present identified him as a member of the Public Security police, who had appeared at other Civic Alliance functions driving an unlicensed vehicle.

## **5. RECOMMENDATIONS REGARDING INTERNATIONAL LEGAL PROTECTIONS IN MEXICO**

The Mexican government has ratified international human rights agreements that protect the rights of non-governmental organizations. Mexico is bound to uphold the principles detailed in the American Convention on Human Rights (ACHR)<sup>48</sup> and the International Covenant on Civil and Political Rights (ICCPR).<sup>49</sup> Minnesota Advocates for Human Rights urges the Mexican government to ensure that the following rights of participants in non-governmental organizations are protected:

### **Right to Security and Liberty**

The right to security and liberty of the individual, home, office and property are enshrined in ICCPR Articles 9 and 10, and ACHR Article 7. Both international agreements prohibit arbitrary deprivations of liberty, demand access to courts without delay for detainees, and create the right to a remedy where wrongful deprivations of security or liberty have occurred.

### **Rights to Freedom of Association and to Peaceful Assembly**

ICCPR Article 22 and ACHR Article 16 guarantee the right to freely associate, in the ACHR "for ideological, religious, political... or other purposes." The right to conduct peaceful gatherings is acknowledged at ICCPR Article 21 and ACHR Article 15.

### **Right to Freedom of Expression**

The international principles ratified by Mexico guarantee the right to freely seek and impart information of all kinds. This right is preserved in ICCPR Article 19 and ACHR Article 13 with legal restrictions only permitted to ensure "respect for the rights or reputation of others; or the protection

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<sup>47</sup> *Proceso*, "Sin éxito, la demanda de los jesuitas contra `Summa.'" July 4, 199, at 20.

<sup>48</sup> American Convention on Human Rights, published in the Federal Official Diary on May 7, 1981.

<sup>49</sup> International Covenant on Civil and Political Rights, published in the Federal Official Diary, May 20, 1981.

of national security, public order, or public health or morals." Under this rubric, human rights and other NGOs should be protected by the government from reprisals when they observe, document and denounce human rights violations.

### **Right to Protection from Unlawful Attacks on Honor or Reputation**

Article 17 of the ICCPR and Article 11 of the ACHR ensure everyone's right to be treated with dignity and respect, and not to be the object of unlawful attacks on honor or reputation. Both articles create a right to legal protection in the case of such attacks.

### **Right of Reply to Inaccurate Statements in the Media**

At Article 14, the ACHR creates a right of reply for anyone injured by offensive or inaccurate ideas disseminated in the legally regulated media. This right provides the injured party an opportunity to respond using the same communications outlet, and ensures that each media outlet have one person who is not protected by immunity from suits.

### **Right to Freedom of Movement and Residence**

Foreigners who are lawfully within the territory of another country are ensured the rights to liberty of movement, and if the government wishes to expel them, the right to have their case heard by a competent authority, under ICCPR Articles 12 and 13, and ACHR Article 22. ICCPR Article 13 creates an additional right to be represented at any expulsion proceeding.

### **Obligation to Respect Rights**

The ICCPR (at Article 5) and the ACHR (at Article 1) create overriding obligations of state parties to the agreements to respect the rights enshrined therein. The ACHR requires the state to respect all rights and freedoms "without any discrimination for race, color, sex, language, religion, political or other opinion, national or social origin...." Article 5 of the ICCPR demands that parties to the Covenant do not "engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein."

## CONCLUSION

The increasing scope and number of repressive incidents has contributed to a growing climate of fear for those who undertake human rights advocacy and other non-governmental work in Mexico. The National Network reported the death of Mariano Pérez Díaz on March 9, 1994 in Simojovel, Chiapas as the one case of assassination committed against an NGO in the April to July period. This death, together with the panoply of repressive acts, including death threats and bomb threats, have created a deep concern for personal safety of many individuals working with Mexican NGOs. These groups have solicited the assistance of international individuals and organizations to pressure the Mexican government to guarantee their safety, and to end the impunity with which these aggressive acts are being committed.

Minnesota Advocates for Human Rights urges that the Mexican government comply fully with the international legal agreements it has ratified by: ensuring the safety of human rights monitors, guaranteeing their right of free expression, particularly to denounce human rights abuses, fully investigating and prosecuting arbitrary, intimidating and defamatory acts, and ensuring the right to a remedy.