THE RULE OF LAWLESSNESS IN MEXICO

HUMAN RIGHTS VIOLATIONS IN THE STATE OF OAXACA

MINNESOTA ADVOCATES FOR HUMAN RIGHTS

HEARTLAND ALLIANCE FOR HUMAN NEEDS & HUMAN RIGHTS

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The cover graphic is a scanned photograph taken by Clifford C. Rohde in the central square of Juchitán de Zaragoza, Oaxaca in July 1996. The banner was hung in memory of the 1978 disappearance of Víctor Pineda Henestrosa, whose case is described in this report. The banner's message reads: The struggle continues. We know that he is alive. We will find him. Víctor Pineda Henestrosa 18 years of his disappearance. *Behind the drawing of the man is the symbol of the COCEI political party. Use of the cover graphic should not be construed as an endorsement of the COCEI or its policies.*

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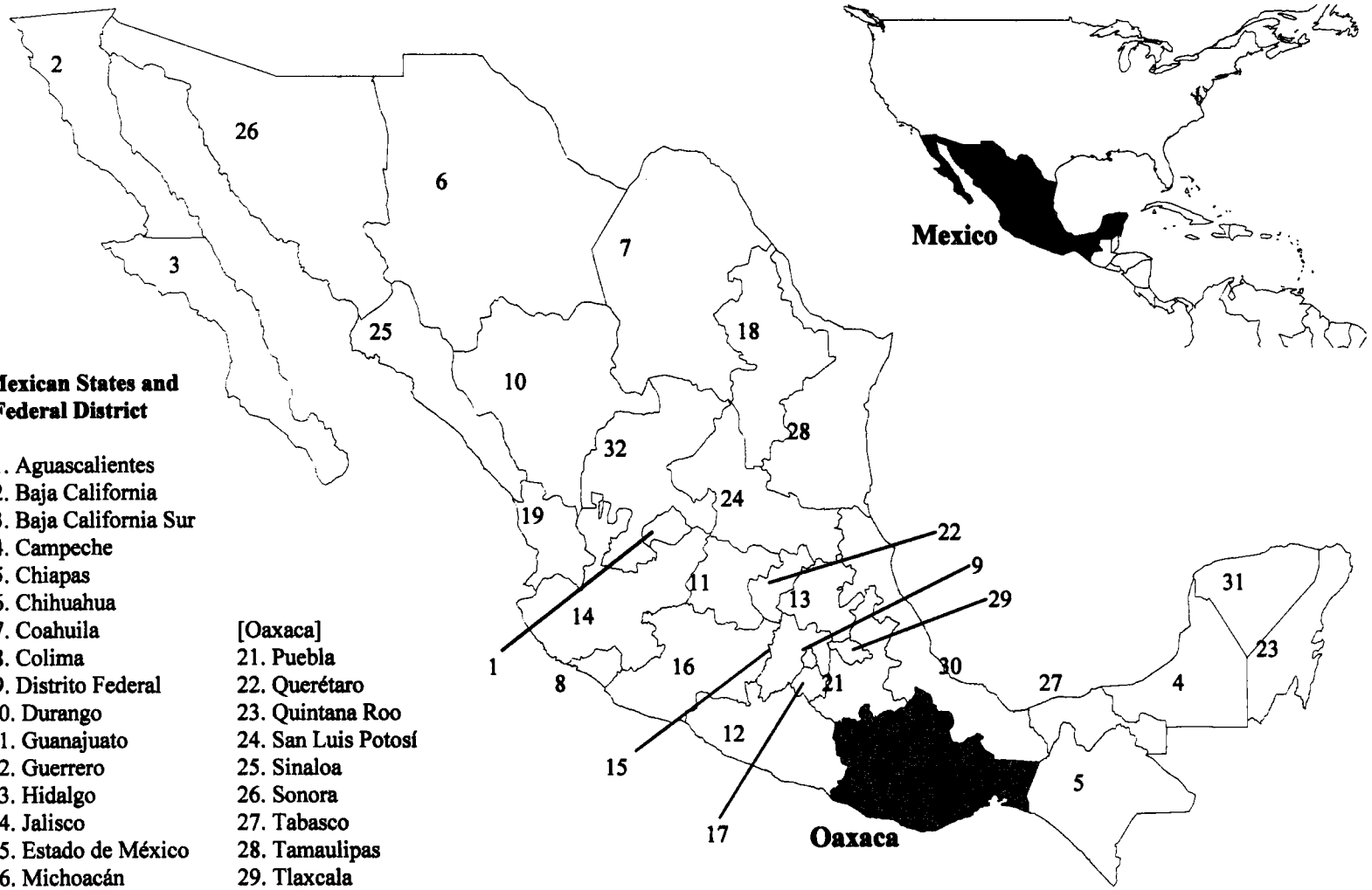

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Alba L. Pérez and Clifford C. Rohde

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GLOSSARY OF ACRONYMS

AI	Amnesty International
AMDH	Mexican Academy of Human Rights (*Academia Mexicana de Derechos Humanos*)
CAMPO	Oaxacan Popular Movement Assistance Center (*Centro de Apoyo al Movimiento Popular Oaxaqueño*)
CANICA	Support Center for Street Children (*Centro de Apoyo al Niño de la Calle*)
CEDH	State Human Rights Commission (*Comisión Estatal de Derechos Humanos*)
CEDIPIO	Diocesan Center for Indigenous Promotion of Oaxaca (*Centro Diocesano de Promoción Indígena de Oaxaca*)
CEJIL	Center for Justice and International Law
CERESO	Prison (*Centro de Readaptación Social*)
CMDPDH	Commission for the Defense and Promotion of Human Rights (*Comisión Mexicana por la Defensa y la Promoción de los Derechos Humanos*)
COCEI	Workers, Peasant, and Student Coalition of the Isthmus (*Coordinadora Obrera Campesina Estudiantil del Istmo*)
COMADH	Teachers Human Rights Commission (*Comisión Magisterial de Derechos Humanos*)
CNDH	National Human Rights Commission (*Comisión Nacional de Derechos Humanos*)
CNTE	National Education Workers Coordinating Committee (*Coordinadora Nacional de Trabajadores de la Educación*) (see also SNTE)
EPR	Popular Revolutionary Army (*Ejército Popular Revolucionario*)
EZLN	Zapatista Army of National Liberation (*Ejército Zapatista de Liberación Nacional*)
FEPAM	Office of the Special Investigator for Cases Involving Educators (*Fiscalía Especial para Asuntos Magisteriales*)
HRW/Am	Human Rights Watch/Americas
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
ICNL	International Center for Not-for-Profit Law
IEE	State Electoral Institute (*Instituto Electoral Estatal*)
INEGI	National Institute of Geography and Statistics (*Instituto Nacional de Estadística, Geografía e Informática*)
LCHR	Lawyers Committee for Human Rights
MA-HA	Minnesota Advocates for Human Rights and Heartland Alliance for Human Needs & Human Rights
MP	Public Ministry (*Ministerio Público*)
NAFTA	North American Free Trade Agreement
NGO	non-governmental organization
OIDHO	Indigenous Organization for Human Rights in Oaxaca (*Organización Indígena de Derechos Humanos en Oaxaca*)

PAN	National Action Party (*Partido Acción Nacional*)
PDI	Special Attorney's Office for the Indigenous (*Procuraduría para la Defensa del Indígena*)
PGJE	State Attorney General's office (*Procuraduría General de Justicia del Estado*)
PGR	Federal Attorney General's office (*Procuraduría General de la República*)
PHR	Physicians for Human Rights
PJE	State Judicial Police (*Policía Judicial Estatal*)
PJF	Federal Judicial Police (*Policía Judicial Federal*)
PRD	Party of the Democratic Revolution (*Partido de la Revolución Democrática*)
PRI	Institutional Revolutionary Party (*Partido Revolucionario Institucional*)
PRODH	Miguel Agustín Pro Juárez Human Rights Center *(Centro de Derechos Humanos "Miguel Agustín Pro Juárez"*)
SNTE	National Education Workers Union (*Sindicato Nacional de Trabajadores de la Educación*)
UCIZONI	Union of Indigenous Communities of the Isthmus' Northern Zone (*Unión de Comunidades Indígenas de la Zona Norte del Istmo*)

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This report is dedicated to Oaxaca's victims of human rights abuse, many of whose accounts are described in this report, but most of whose, sadly, are not.

FOREWORD

Through this report our two organizations are providing an important glimpse into the quality of life in a previously unscrutinized state in Mexico's southern poverty belt. The Mexicans who reside in Oaxaca live in a state characterized by poverty, hunger, and lawlessness. Oaxaca is a state where teachers are killed, dissent is silenced, criminal cases go unsolved, and vigilantism reigns.

If Mexico is to become a regional and international leader, it must abide by the international commitments it has made to prevent and punish serious human rights violations, including torture and extrajudicial killings. The citizens of Oaxaca are crying out for such real leadership.

We have met the real leaders in Oaxaca and throughout Mexico, and we applaud them. They are working to bring about essential reforms that will create and sustain civil society and comprehensive democratization. We particularly recognize the sacrifices made by colleagues in the indigenous states of Mexico, sacrifices of life long commitment, and regrettably, at times sacrifices of life itself. It is these leaders who are doing the intrinsic work of human rights; we are merely reporting on their context and on their struggle.

We hope that our voice will provide an accompaniment to the words and actions of our Mexican colleagues and that the song of human rights will be heard throughout both our nations. It is to the eternal voices of the silenced and the still-struggling —and to the song of human rights— that we dedicate this publication.

Barbara A. Frey
Executive Director
Minnesota Advocates

Sid L. Mohn
President
Heartland Alliance

SUMMARY AND RECOMMENDATIONS

That the people and the government respect the rights of all, because among people as among nations, respect for the rights of others is peace.

—Benito Juárez, 15 July 1867[1]

Summary and Background

This report documents an array of human rights violations resulting from governmental act and omission in the state of Oaxaca, Mexico. It describes the converse of Juárez's maxim: where human rights are routinely violated, there is no peace.

Oaxaca (pronounced "wa-**ha**-ka" in English), in Mexico's deep south, is steeped in history and culture, populated with generous and hard-working people. Its varied geography is breathtakingly beautiful. Jagged and forested mountains give way to valleys and the Pacific Ocean. Oaxaca's crashing Pacific waves are to the world's surfers much as Oaxaca's cultures are to anthropologists and historians: rich sources of study. Indeed, when "surfing" the Internet, one might expect, after perusing the considerable tourist and cultural information available, that all is well and rich in Oaxaca.

Nothing could be less true. Caught between Guerrero to the west, and Chiapas to the east, Oaxaca is centrally located in Mexico's southern poverty belt. With those two states, Oaxaca leads the nation in negative statistics. It has alarmingly high rates of death by curable disease, unemployment, poverty, lack of access to potable water, electricity and roads, lack of formal education and health care, massive emigration, and the attendant social problems created by such despair.[2] As bad as things are for the Oaxacan population in general, the statistics are grimmer for the state's sizable indigenous populations. At least sixteen distinct indigenous groups reside in

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[1] *"Qué el pueblo y el gobierno respeten los derechos de todos, pues entre los individuos como entre las naciones, el respeto al derecho ajeno es la paz."* From his *Manifiesto a la Nación*, quoted in Comisión Estatal de Derechos Humanos, *III Informe: Junio 1995-Junio 1996* (Oaxaca City: 1996) [CEDH Third Annual Report], p. 3. Benito Juárez, former president of Mexico, is Oaxaca's —if not Mexico's— favorite son. Born a poor Zapotec Indian, he became a noted lawyer, legal reformer, and leader of Mexico's nineteenth century reform movement.

[2] See, generally, INEGI, Anuario Estadístico del Estado de Oaxaca, Edición 1994 (Aguascalientes, Mexico: 1994). In response to Oaxaca's poor social and economic conditions, President Ernesto Zedillo announced in January 1996 that federal expenditure in the state would exceed an extraordinary eight billion *nuevos pesos* (more than US$ 1 billion) in 1996. Néstor Martínez, "Se atendará a los más pobres, especialmente indígenas: Zedillo," *La Jornada*, 18 Jan. 1996. President Zedillo reportedly stated in May 1995 that Oaxaca will determine "the success or failure of [his] social policy."Centro de Derechos Humanos "Miguel Agustín Pro Juárez," *La Violencia en Oaxaca* (Mexico City: Aug. 1996), p. 28.

Oaxaca, each with its own language.[3] Together, the indigenous approximate half the state's 3.2 million residents.[4]

Adding to the state's social problems is the state's consistent disregard for Benito Juárez's words. Rampant human rights violations, and the state government's ineffectiveness at enforcing the law, define Oaxaca's rights situation. Despite a considerable and increasing police and military presence,[5] Oaxaca is virtually lawless. Human rights violations and violence, and a failed state response to each, are systemic phenomena statewide.

Because of the state's violation of, and inability to guarantee, human rights in Oaxaca, both the state of Oaxaca and Mexico are breaching international obligations to ensure and respect human rights. That failure to guarantee basic rights and enforce the law, in turn, encourages Oaxaca's population to take the law into their own hands and mete out private justice. When the state does not enforce the law and individuals assume the role of private law enforcers, lawlessness and insecurity prevail. And further abuse of human rights results.

This state of affairs has even produced organized armed insurrection. Considerable public and private speculation in Oaxaca (expressed to MA-HA representatives in 1995 and 1996) that armed guerrilla groups operated in remote areas of the state proved to be true. The newly-active Popular Revolutionary Army (*Ejército Popular Revolucionario* or EPR) has attacked targets in more than one area within Oaxaca.[6] The EPR's emergence has in turn provoked increased security force operations in the state.[7]

Human rights violations pervade Oaxaca, in numerous forms. Oaxacans' right to life, for example, is violated with disturbing frequency. In the context of land disputes, hundreds of killings, most often occurring when communities dispute territorial limits, have afflicted Oaxaca's country-

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[3]Oaxaca's major indigenous groups include Zapotecos, Mixtecos, Mazatecos, Chinantecos, and Mixes.

[4]Estimates range from thirty-nine percent (from Mexico's official National Institute of Geography and Statistics (Instituto Nacional de Estadística, Geografía e Informática or INEGI) to perhaps eighty percent (popular perception). Numbers depend in large part on the definition of the term "indigenous" and who is doing the defining and counting. Regardless of the exact percentage, the indigenous population is considerable, and indigenous issues influence or dominate perhaps every important social theme in Oaxaca.

[5]For example, Minnesota Advocates representatives traveled approximately seventy miles in a bus between the Oaxaca-Chiapas border and Juchitán, Oaxaca during the early evening of July 12, 1996. Different security forces stopped and searched the bus five separate times. Soldiers also stopped the bus at a military checkpoint. Since the emergence of the EPR in Oaxaca, military and police activity in the state has increased.

[6]As was the case in Chiapas before the 1 January 1994 Zapatista uprising, and in Guerrero before the 28 June 1996 emergence of the EPR, government officials had denied the existence of organized, armed rebels in the state. State and federal officials continue to minimize the EPR's impact or importance, despite it demonstrated capacity to act in a number of Mexican states.

[7]See, for example, "Anti-rebel campaign provokes anger in Mexico," *Austin American-Statesman*, 21 Sept. 1996, reprinted in Documentation Exchange, *Mexico Newspak*, Issue 95, Vol. 4, No. 17, 9-22 Sept. 1996.

side. Both the state and national governments have responded principally with ignorance and neglect. Law enforcement rarely brings the killers to trial, and widows infrequently receive compensation. In some cases described in this report, decades of violence have slowly but effectively eliminated entire communities, as residents not murdered simply abandon their land, and become part of Oaxaca's population of internally displaced, or emigrate from the state.

Not all of Oaxaca's violence results from contact between private individuals. The hands of state and federal security force agents, including state police and the military, are also sullied with grave human rights violations. Agents of the state are responsible for numerous arbitrary executions, acts of torture, and other mistreatment. Law enforcement officials also possess the notorious tendency to arrest individuals arbitrarily within Oaxaca. For those reasons, many Oaxacans live in fear of the state's security forces.[8]

In addition to perpetrating acts that transgress human rights norms, Oaxacan state officials also violate basic human rights through their significant omissions. The chronic failure of Oaxaca's law enforcement apparatus to perform its duty to carry out the law is perhaps the principal method by which human rights guarantees are offended in the state. Criminal investigations, particularly if politically sensitive, are shelved, not pursued, and judicially-ordered arrest warrants exist for years without being executed. Such inactivity prevents prosecutions against presumed murderers and human rights violators. Even when the authorities do investigate, victims of human rights abuse as a rule do not receive adequate compensation through legally appropriate determinations of damages.

At least in part because of Mexico's inability to guarantee basic rights in Oaxaca, Oaxacans have with disturbing frequency decided to take the law into their own hands. Oaxacan-style private justice includes particularly gruesome methods of punishment, in which the basic rights of the individual are summarily denied. This report documents a number of cases where mobs have tracked down and murdered individuals they suspected of criminal activity. The state response to these communal

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[8]As this report goes to print, an episode involving the military and police agents is unfolding in the Loxichas region of Oaxaca. On 25 September 1996 a contingent of reportedly hundreds of soldiers and police agents invaded San Agustín Loxicha in search of alleged EPR members. Authorities cracked down on the communities after identifying Fidel Martínez, San Agustín's treasurer (on leave). Martínez reportedly was killed while he and other EPR members attacked a naval base in Huatulco on 28 August 1996. The military and police arrested virtually all of San Agustín's community leaders —nearly a dozen individuals— in the 25 September sweep, and subsequently moved the prisoners to jail facilities outside the state. Those arrested complained of being arbitrarily detained, beaten, threatened with death, and forced to confess to membership in the EPR. Another three individuals were detained by the military and state and federal police in San Francisco Loxicha on 15 October. See Pedro Matías, "Desde la cárcel, miembros del cabildo de San Agustín Loxicha denuncian: Nos torturaron para que aceptáramos ser del EPR," and Francisco Ortiz Pinchetti, "El 25 de septiembre, el pueblo de San Agustín Loxicha supo lo que significa una invasión militar," *Proceso*, No. 1040, 6 Oct. 1996; Julia Preston, "Mexico's Wary Crackdown on Rebels," *New York Times*, 16 Oct. 1996; Molly Moore, "Mexico's War on Rebels Gives Rural Towns the Jitters," *Washington Post*, 16 Oct. 1996; Víctor Ruiz Arrazola, "Fueron detenidos ayer en Oaxaca tres presuntos miembros del EPR," *La Jornada* website, URL: http://www.nuclecu.unam.mx/~jornada/961017.dir/epr.html (viewed 17 Oct. 1996).

crimes is again inadequate. Individuals responsible for the lynchings are not duly investigated and prosecuted.

This report also describes attacks against members of Oaxacan society who have been particularly singled out for attack. Oaxaca's teachers, for example, have over the last decade suffered dozens of killings, disappearances, assaults, and other intimidations, most likely because they have brought into communities ideas that challenge the traditionally hierarchical and rigid structure of Oaxacan social, political, and economic life. Like Oaxaca's teachers, other individuals and organizations who have actively challenged the system —human rights activists, leaders of civil society, investigative journalists, for example— have suffered attacks resulting in injury and even death. They also have suffered legal attack in the form of a law regulating non-governmental organizations (NGOs) that sets strict state control over the activity of private organizational activity. Though not always possible to link the physical attacks to state institutions or officials, the lack of an effective governmental response to them is telling. As the social situation in Oaxaca deteriorates, the danger of increased repression targeted at human rights activists and their colleagues is of particular concern.

The fear of increased repression is warranted in considerable part because of the consistent failure of the Mexican and Oaxacan governments to correct human rights violations in the state. It should be noted that small successes do exist. The Office of the Special Investigator for Cases Involving Educators (*Fiscalía Especial para Asuntos Magisteriales* or FEPAM) has had limited success resolving the attacks against the teachers movement. The Special Attorney's Office for the Indigenous (*Procuraduría para la Defensa del Indígena* or PDI) has provided some support to members of Oaxaca's indigenous communities. State officials have implemented some recommendations of the governmental National Human Rights Commission regarding Oaxaca. The state government also at least pays lip service to the concept of human rights.

But lip service is not enough, and the government's publicly positive attitude towards human rights appears to be mere window-dressing, aimed more at improving image and than at stemming rights abuse. The state's official human rights commission (CEDH), has barely affected human rights observance in the state. The human rights department of the state Attorney General's office is equally ineffective. The federal government, despite its international obligation to ensure and respect human rights throughout national territory, does not appear interested in the state's human rights situation. Indeed, strong words promoting the rule of law and condemning rights violations throughout Mexico regularly flow from the administration of President Ernesto Zedillo Ponce de León. Equally forceful actions against rights violators do not.

The severity and frequency of human rights violations committed in Oaxaca merit special attention by both the Oaxacan state government and the Mexican federal government. State and federal efforts need to be undertaken to redress past human rights violations and prevent additional abuse from occurring. To achieve those ends, and to see that Mexico conforms its human rights practices to the requirements of international human rights law, Minnesota Advocates for Human Rights and Heartland Alliance for Human Needs and Human Rights recommend the following:

Recommendations

To the Oaxacan state government

- The Oaxacan government should consider creating a special prosecutorial office or department to confront the violence associated with Oaxaca's numerous land conflicts. The principal goals of the agency should be to identify violent crimes committed as a result of land disputes; identify the victims; and identify, locate, and prosecute those individuals responsible for ordering and carrying out such crimes. Such an agency should complement and inform, not supplant, the work of the state attorney general's office. Special care needs to be taken to avoid creating simply another level of bureaucracy.
- The same office should work to identify, administratively sanction, and prosecute when appropriate those state officials who have failed to carry out their legal responsibilities to investigate and/or prosecute crimes related to land disputes.
- The office should also strive to identify and locate the thousands of widows, widowers and children missing a parent or parents that the violence over land has produced. Funds should be appropriated to assist these individuals obtain education, job-training, employment, and reasonable financial security.
- The government should enlist representatives of Oaxaca's non-governmental community to assist in carrying out the tasks needed to resolve issues related to land that have produced, or are likely to produce, violence.
- State law enforcement personnel, including trained Public Ministry agents, should be dispatched and maintain a presence in conflictive municipalities.
- With the appropriate federal government agencies, the state government should work diligently to resolve land disputes throughout Oaxaca. The state and federal governments should redouble efforts to bring different communities to the bargaining table and produce lasting agreements.
- If current resources allocated to the PGJE do not allow such emphasis on land-related crimes, additional state funds should be appropriated for such purpose.
- State authorities should expediently carry out all pending and future recommendations of the State Human Rights Commission (Comisión Estatal de Derechos Humanos or CEDH) and the National Human Rights Commission (Comisión Nacional de Derechos Humanos or CNDH).
- The CEDH should be an autonomous body. Resources allocated to the CEDH should be increased both to strengthen it and allow it greater investigative capacity. The CEDH should be headed by an independent and capable president.
- State agents allegedly responsible for committing, tolerating or encouraging human rights violations such as extralegal execution, torture, or arbitrary detention, should be suspended from their posts without pay, pending criminal investigation. Upon conviction, they should be immediately removed from their posts. Allegations of rights abuse committed by state agents should be investigated thoroughly and the responsible parties be prosecuted according to the law.

- State judicial and police agents should be given thorough human rights training by adequately trained professionals.
- Victims of human rights abuse should receive due compensation for the violations they have suffered. Individual assessments of due compensation need be made by relevant state and/or federal authorities.
- Provided adequate investigative advances continue, the state should extend the mandate of, and provided sufficient resources to, the Office of the Special Investigator for Cases Involving Educators (*Fiscalía Especial para Asuntos Magisteriales* or FEPAM) until the cases of violence targeted against teachers currently under investigation, as well as other cases that become part of the FEPAM docket, are successfully investigated and prosecuted.
- Because the FEPAM has enjoyed successes where the state Attorney General's main office (*Procuraduría General de Justicia del Estado* or PGJE) has not, the state should consider employing the FEPAM model to investigate other areas of violence and rights abuse. These could include, for example, the issues of violence related to land conflicts, the failure to execute arrest warrants and otherwise to investigate crimes, arbitrary detention, and attacks against leaders of civil society.
- In order to combat the continued use of torture by security forces, the Oaxacan government should strengthen its own 1993 anti-torture law to make it conform with the international Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The Oaxaca anti-torture law should guarantee torture victims the right to fair and adequate compensation. It also should explicitly make mandatory criminal investigations into torture, and provide protection to torture victims in the event the victim complains of his or her torture.
- The law controlling Oaxaca's non-governmental organizations (NGOs) should be repealed, or substantially modified to loosen the control of the state government over non-governmental organizations. As it currently exists, Oaxaca's NGO law violates international freedom-of-association standards.

To the Mexican federal government

- To comply with its international obligations, the federal government should oversee all actions taken by the state government of Oaxaca to improve the human rights situation in the state, to ensure that such actions comply with international human rights standards.
- In the case of violence related to land conflicts, the Mexican government should, through the relevant authorities, place special emphasis on resolving territorial disputes in the state.
- Mexico's Supreme Court, which currently is reviewing a constitutional challenge to Oaxaca's NGO law, should find the law incompatible with international guarantees of freedom of association.
- Because of the continued and systematic failure of Oaxaca's State Human Rights Commission (CEDH) to protect human rights in Oaxaca, Mexico's National Human Rights Commission (CNDH) should utilize its power of *atracción* to take as its own cases under review by the

CEDH. The CNDH should oversee measures taken to enable the CEDH to function adequately, and consider assuming future CEDH investigations until appropriate steps are taken to permit the CEDH to adequately carry out its functions.

- Because of the magnitude of the problem of the failure to execute arrest warrants, and failures in correcting the problem, the federal Attorney General's office (*Procuraduría General de la República* or PGR) should investigate the matter and assist the state to make appropriate corrections.
- Federal agents allegedly responsible for committing, tolerating or encouraging human rights violations such as extralegal execution, torture, or arbitrary detention, should be suspended from their posts pending criminal investigation. Upon conviction, they should be immediately removed from their posts. Allegations of rights abuse committed by federal agents in the state should be investigated thoroughly and the responsible parties be prosecuted according to the law.
- Cases of human rights abuse allegedly committed by military personnel should be prosecuted in civilian courts. Military jurisdiction should be reserved for those cases involving purely military discipline. Whenever a civilian is involved in a case of human rights abuse, either as victim or alleged perpetrator, the civilian judicial system should hear the case.
- The federal government should ensure that all police and military personnel who search for and engage the Popular Revolutionary Army (*Ejército Popular Revolucionario* or EPR) respect international human rights.
- Mexico should accept the jurisdiction of the Inter-American Court of Human Rights, the lone regional international institution with the power to compel states to comply with their international human rights obligations. standards.

LAND AND VIOLENCE

Introduction

Disputes over land, which in considerable part gave rise to Mexico's Revolution of 1910, are still known throughout Mexico.[9] They plague Oaxaca. Disputes over land underlie or produce tensions between and within indigenous communities,[10] large landholders and small proprietors of land, different religious sects,[11] competing political parties and *campesino* organizations, and within individual communities. Minnesota Advocates for Human Rights and Heartland Alliance take no stand regarding any party's claims to land in Oaxaca. We recognize that disputes are longstanding, sometimes seemingly intractable, and are often made more difficult by conflicting *ad hoc* arrangements, as well as contradictory governmental decrees and resolutions.

It is the product of the conflicts that concerns our organizations. Disputes over land, believed to number approximately 300 in the state,[12] have resulted in considerable violence. At times governmental forces participate in violent acts. Often, however, the violence remains between and among communities. The state and federal governments have failed to address it adequately. Indeed, a number of persons interviewed by MA-HA expressed their belief that the state government utilizes land conflicts as a means of social control, to keep dissidents in line or from power. They believe that the government favors the claims of some over others, and on occasion purposely allows violence to continue unchecked.

Below we describe a number of disputes that continue to produce violent episodes in Oaxaca. Consistent throughout the cases is the lack of law enforcement intervention. Those individuals responsible for the violence regularly remain free, escaping justice more often than not.

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[9]Consider, for example, the Chiapas rebellion, many of the roots of which are described in Minnesota Advocates for Human Rights, *Conquest Continued: Disregard for Human and Indigenous Rights in the Mexican State of Chiapas* (Minneapolis: Oct. 1992) [Minnesota Advocates, *Conquest Continued*].

[10]For example, a struggle for power within Oaxaca's Triqui indigenous community reportedly produced thirty murders from January to August 1996. Centro de Derechos Humanos "Miguel Agustín Pro Juárez," Servicio Diario de Información de Derechos Humanos en México (daily updates) (Mexico City) [PRODH, SIDIDH], Aug. 26, 1996. According to a *La Jornada* article, criminal investigations into fifty-nine known homicides having occurred since April 1989 led to only thirteen persons arrested, all of whom were released soon after their detentions. PRODH, SIDIDH, Aug. 26, 1996. A reported 500 community members have been murdered in the internecine rivalry during the last seven years. Diego Cevallos, "The Triquis, A Thousand-Year-Old Indigenous Group, Torn by Hatred," InterPress Service, Aug. 30, 1996, reprinted in Documentation Exchange, *Mexico NewsPak*, Vol. 4, No. 16, p. 9, 26 Aug.-8 Sept. 1996.

[11]For an interesting study of religious conflict in Oaxaca, see Olga Montes García, "Violación de Derechos Humanos en Oaxaca por Motivos Religiosos," in *Eslabones* magazine (of the Sociedad Nacional de Estudios Regionales), No. 8, Jul.-Dec. 1994, pp. 120-31.

[12]Interview in Oaxaca City with Gerardo Garfias Ruiz, Director of the Special Attorney's Office for the Indigenous, 17 Jul. 1996.

Illustrative cases

Santiago Amoltepec vs. Santa Cruz Zenzontepec, Santa María Zaniza, Santiago Textitlán, and San Mateo Yucutindoo

Among Oaxaca's, if not Mexico's, bloodiest land disputes is that placing Santiago Amoltepec in conflict with four neighboring communities: Santa Cruz Zenzontepec (Zenzontepec), Santa María Zaniza (Zaniza), Santiago Textitlán (Textitlán) and San Mateo Yucutindoo (Yucutindoo).[13] Tensions over land in the zone date back decades, with outbursts of violence having ebbed and subsided over the years.[14] Renewed tensions surfaced in 1992.

Minnesota Advocates representatives interviewed Santiago Amoltepec authorities in August 1995 and July 1996.[15] These local officials believe that their community receives unfavorable treatment from government officials concerning the land conflict, and that the four neighboring communities have banded together against Amoltepec. The four neighboring communities, which together have obtained a lawyer to advance their claims, feel similarly,[16] and accuse Amoltepec of fomenting problems.[17] Confrontations between Amoltepec and the bordering communities have resulted in crop burnings, theft of produce, and destruction of homes. They also have produced much murder. Amoltepec representatives complained that the government has not responded adequately to the murders of Amoltepec residents. The same may be said of the killings of others by Amoltepec

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[13]The communities are some 100 kilometers southwest of Oaxaca City. Because of tensions between Amoltepec and the other communities, however, residents have largely been cut off from the rest of Oaxaca. Villagers must trek twelve hours to access to the road closest to Amoltepec (no road actually reaches the community) which leads to Oaxaca.

[14]Amoltepec residents murdered twenty-eight residents of Zaniza, and wounded another thirty-five, in a single 1985 assault. Interview in Oaxaca City with Father Wilfrido Mayrén, 16 Jul. 1996.

[15]Interview in Oaxaca City with Cliserio García Torres, communal goods representative and Esteban López, school teacher, 9 Aug. 1995; Interview in Oaxaca City with Aureliano Maldonado Torres and Vertoldo Torres García, 16 Jul. 1996.

[16]See Letter of the "Zayuczentex" Organization of United Pueblos to President Ernesto Zedillo, Feb. 29, 1996.

[17]Agustín Ambriz and Pedro Matías, "Disputa por tierras, una invasión solapada por las autoridades y las condiciones de pobreza, detonantes de un conflicto armado en la sierra sur de Oaxaca," *Proceso*, No. 979, 7 Aug. 1995, pp. 8-9. Neither side may escape blame for conflict-related violence.

residents.[18] Killings of Amoltepec residents arising from the disputes reportedly number between two and three hundred.[19] Recent cases denounced by Amoltepec residents include the following:

- Tepetixtlán residents murdered Patricio Hernández Roque, 30, in El Frijol by on 2 September 1993. His assailants also killed six of Hernández's animals. Though community residents reported the incident to government officials, criminal investigations had not been pursued through August 1995.
- Heavily-armed assailants ambushed and killed Alvaro López Cruz, 56, on 1 July 1995 as he tended his herd around 6:00 a.m. near the limits of Amoltepec and Textitlán. The assailants also made off with thirty head of cattle. Public Ministry agents arrived eight days later to investigate. No one had been arrested in the case as of August 1995.
- Celso Hernández Mata, 30, was shot and killed on 8 June 1995 in territory near the border between Amoltepec and Yucutindoo and Textitlán. His attacker(s) shot him with a high-powered firearm as he tended his herd of cattle at about 7:00 a.m. Public Ministry agents did not arrive to investigate until a week later. No one had been arrested as of August 1995.

The Bartolomé Carrasco Regional Human Rights Center (*Centro Regional de Derechos Humanos "Bartolomé Carrasco"*) reported another attack. Individuals from Yucutindoo ambushed four men on 23 April 1996 in the community of Piedra de Tambor. Three men, Bernardo Caballero Torres, Julio Paz Velasco and Genaro Velasco Paz, died in the attack. Caballero Torres left behind a widow and seven children between the ages of sixteen and one.[20] The other two men are survived by their widows and a total of ten children.[21]

Eusebio Roque Paz received a bullet in the left leg during the assault. He had been tending his goats, some ten meters behind the three other men. When shots erupted, Roque Paz concealed himself behind some rocks to protect himself. He informed Minnesota Advocates that his injuries prevent him from working.[22]

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[18]Some are in jail, however. Cosme Velasco Hernández has been incarcerated since April 1986 for his alleged participation in a violent outburst between Zaniza and Amoltepec the same year. Velasco Hernández explained that he was in Oaxaca City as an Amoltepec leader to demand justice for the killing by Zaniza residents of four Amoltepec residents on 11 April 1986 and two similar 14 August 1984 murders. He complained that law enforcement arrested and charged him while he was in Oaxaca City. He ultimately was sentenced to thirty-four years for crimes he denies having committed. Letter of Cosme Velasco Hernández to Minnesota Advocates, 5 Jul. 1996.

[19]Members of the other four communities also have been killed as a result of the conflict. Investigations into all acts of violence related to these conflicts, regardless of the identity of the perpetrator or victim, should be carried out, and the responsible parties brought to justice.

[20]Interview in Santiago Amoltepec with Edmunda Torres Paz, widow of the deceased, 16 Jul. 1996.

[21]Interview in Santiago Amoltepec with Lourdes Riano Morales and Guadalupe Ramírez Roque, widows of the deceased, 16 Jul. 1996.

[22]Interview in Santiago Amoltepec with Eusebio Roque Paz, 16 Jul. 1996.

Amoltepec residents searching for the victims found clothing and hair, along with brain matter, of the killed men. The victims had been burned and buried in a common grave.[23] PJE agents did arrive in Amoltepec, and on April 28 the police arrested two men. Three others presumed responsible —Roque Paz indicated that many men had participated in the killings— remained free as of July 1996.

On 26 May 1996, Zenzontepec residents murdered another Amoltepec resident, in Independencia, Amoltepec. Alquileo Pérez López was shot to death while out searching for mangos. He had left his home at about 3:00 p.m. Later in the afternoon community members heard shots fired. Community members found his corpse the next day. As of July 1996, authorities had detained no one for Pérez López's murder.[24]

Unión y Progreso vs. San Sebastián Yotanino

Residents of Unión y Progreso (in Cahuacua, Sola de Vega Department) assert that since the early 1990s[25] they have been under siege from the town of San Sebastián Yotanino, whose residents are interested in fertile land that they and Unión y Progreso residents historically have both utilized.[26] The non-governmental Indigenous Organization for Human Rights in Oaxaca (*Organización Indígena de Derechos Humanos en Oaxaca* or OIDHO), which assists Unión y Progreso press its claims, denounced in August 1995 a number of assaults on Unión y Progreso residents, during which houses were burned and individuals killed. The attacks include:[27]

- On 3 April 1993 fourteen Unión y Progreso residents were captured and jailed in San Sebastian Yotanino for nine days and nights. Law enforcement authorities have not investigated or prosecuted this assault and arbitrary detention.
- In an assault on 21 April 1994 Juan Hernández, 18, was murdered, and Rafael Rodríguez Gómez, 64, was injured by weapons fire.
- Some eighty to one hundred residents of San Sebastián Yotanino entered and pillaged Unión y Progreso on 13 May 1994, and burned down two houses.
- On 16 June 1994 Felipe Jacobo Gómez, resident of Unión y Progreso, was murdered.
- The following day, 17 June 1994, Assailants murdered Teresa Martínez Gómez, twenty-eight years old and eight months pregnant. Eighteen houses were burned on the same day.

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[23]Interview in Santiago Amoltepec with various villagers, 16 Jul. 1996.

[24]Interview in Oaxaca City with Aureliano Maldonado Torres and Vertoldo Torres García, 16 Jul. 1996.

[25]In 1990 Unión y Progreso received a state seal as a municipal agency (*agencia municipal*), formally making the community independent from San Sebastián Yotanino. Interview in Oaxaca City with Alejandro Cruz López of OIDHO, 10 Aug. 1995.

[26]Interview in Oaxaca City with Alejandro Cruz López of OIDHO, 10 Aug. 1995.

[27]Memorial of the Second Forum on "Impunity, Repression and Human Rights," carried out on 10 Aug. 1995 in Oaxaca City, pp. 7-9.

- Armed men from San Sebastián Yotanino entered Unión y Progreso on 21 June 1994, and burned down eleven homes.
- Members of the State Judicial Police, accompanied by San Sebastián Yotanino residents, entered Unión y Progreso on 22 June 1994, and burned down twenty other houses.[28] At the same time, the invaders killed residents' animals and stole food and belongings from Unión y Progreso residents. As a result of these assaults, OIDHO reports that seventeen arrest warrants were issued, but none has ever been carried out. Rather, OIDHO asserts, criminal charges were fabricated against Unión y Progreso townspeople.[29]
- Nazario Ríos Mandarín and Juan Jacobo Aparicio, president and secretary respectively of the Unión y Progreso Human Rights Committee, were executed by gunmen on 12 July 1995 in El Vado, Ejutla de Crespo district. Claudio Hernández Jacobo suffered injury in the assault.

Though Unión y Progreso leaders have filed complaints regarding these cases before the PGJE and the State Human Rights Commission (CEDH), none of these cases had been resolved by authorities at the time of Minnesota Advocates' visit to Oaxaca in July 1996.[30] In June 1994, after the series of house burnings, some forty families fled Unión y Progreso and sought refuge in neighboring San Mateo Yucutindoo.[31] In July 1996, OIDHO representative Alejandro Cruz López informed Minnesota Advocates that the community of San Mateo Yucutindoo (involved in its own dispute with Santiago Amoltepec, described above) is somewhat discontent over the prolonged stay of Unión y Progreso residents. San Sebastián Yotanino residents have prevented Unión y Progreso townspeople from cultivating their land.

San Juan Mixtepec vs. Santo Domingo Ozolotepec

Since 1924, the neighboring communities of San Juan Mixtepec and Santo Domingo Ozolotepec, some sixty kilometers north of the coastal town of Puerto Angel and 110 kilometers east of Santo Domingo Tehuantepec, have disputed ownership of territory rich in timber. Demarcation lines were drawn in 1953, though they apparently never were officially recognized. Residents of both communities have suffered assaults. The San Juan Mixtepec representative interviewed by MA-HA representatives in August 1995 indicated his belief that the majority of attacks have been suffered by San Juan Mixtepec residents.[32] He stated that the dispute has produced some forty murders over the last forty years.

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[28]Letter of Honorio Jacobo López and Nazario Ríos Mandarín to Oaxaca Gov. Diódoro Carrasco Altamirano, 24 Jun. 1994.

[29]Memorial, 10 Aug. 1995, p. 8.

[30]Testimony (mimeograph on file with Minnesota Advocates) of Nazario Ríos Mandarín before OIDHO, 24 Jun. 1995; Interview in Oaxaca City with Alejandro Cruz López of OIDHO, 17 Jul. 1996.

[31]Testimony of Nazario Ríos Mandarín before OIDHO, 24 Jun. 1995.

[32]Interview in Oaxaca City with Gustavo Adolfo López Ortega, San Juan Mixtepec municipal agent, 8 Aug. 1995.

According to the representative, in 1993 a confrontation erupted between the two communities because Santo Domingo Ozolotepec residents had felled trees on ostensibly San Juan Mixtepec land.[33] Five male residents of San Juan Mixtepec disappeared during the episode. Their whereabouts remained unknown until residents of San Juan Mixtepec later learned that the men had been spotted wandering and destitute in the neighboring states of Veracruz and Chiapas. Reunited with community members, the men indicated that they had been abducted by residents of Santo Domingo Ozolotepec, beaten, and threatened with death should they ever return to San Juan Mixtepec. Though these and other cases of violence have been denounced to authorities and to the National Human Rights Commission, those responsible for murder, physical harm, and intimidation had not been brought to justice as of August 1995.

San Lucas Atoyaquillo, Santiago Ixtayutla, Jamiltepec

Since 1992 San Lucas Atoyaquillo, Oaxaca's twelfth poorest municipality,[34] has experienced political tensions. Some residents blame members of Antorcha Campesina, a peasant organization with ties to the PRI, for attempting to divide community members and take control of the town since it entered the region that year. To confront Antorcha Campesina, local residents sought out relations with the Party of the Democratic Revolution (Partido de la Revolución Democrática or PRD) in 1994. Tensions between members of the two groups turned violent in 1995.[35]

Residents complained in February 1996 that their community is lawless. At a forum on human rights violations sponsored by the Mixteca Regional Human Rights Center (*Centro Regional de Derechos Humanos de la Mixteca*), community residents denounced the following unresolved attacks: Salvador Ramírez Villa, local PRD president, murdered on his land on 27 July 1995; Sebastián Martínez Ruiz, murdered while heading to work on 15 December 1995; and Santo Heraz Velasco and Pedro García López, injured by gunfire while hunting iguanas on 13 February 1996.

The Mixteca Center reports an additional six killings, suffered by four PRD members and two individuals affiliated with Antorcha Campesina.[36] Three men were murdered on 20 April 1996:

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[33]According to the representative, the pressure to cut trees in the area is great. He indicated that residents of Santo Domingo Ozolotepec, unlike those of San Juan Mixtepec, had allowed the Oaxacan Forestry Company to exploit their timberland at minimal cost. As a result, Santo Domingo Ozolotepec has been left with neither much timber nor significant economic benefit from its exploitation. Interview in Oaxaca City with Gustavo Adolfo López Ortega, San Juan Mixtepec municipal agent, 8 Aug. 1995.

[34]Centro Regional de Derechos Humanos de la Mixteca, press release, 12 Sept. 1996 [Centro Mixteca, 12 Sept. 1996], citing statistics of the State Population Council (*Consejo Estatal de Población*). Oaxaca has 570 municipalities.

[35]*Ibid.*

[36]Yet another victim, though not in San Lucas, is Rigoberto Merino Ruiz, killed on 19 January 1996 at approximately 5:00 a.m. Unidentified gunmen ambushed Merino Ruiz and shot him to death. Merino Ruiz had been elected municipal president of Santiago Ixtayutla, through customary vote, in December 1995. Local *caciques* reportedly prevented his taking office, however, and named another individual to the post. After Merino Ruiz later received and presented to the community documentation from the State Electoral Institute (*Instituto Electoral Estatal*) indicating his presidency, he received death threats. Víctor Ruiz

Feliciano Riaño López, San Lucas Atoyaquillo president of communal goods, had turned into the organizers of the February forum a letter describing the unresolved killings afflicting his community.[37] Also killed were Agustín Cruz Bautista; communal treasurer; and Lucas López Torres, school committee treasurer. All three were PRD members. Antorcha Campesina leader Delfino Vásquez Pérez was slain on 27 May 1996. In yet another violent outburst, on 28 May 1996, while burying their dead leader, members of Antorcha Campesina were reportedly fired upon from the surrounding hillside.[38] Francisco Heraz Velasco, a fourteen-year-old son of an Antorcha Campesina member, perished that day. Silvestre Ramírez Villa, a PRD member, was killed on 3 August 1996.[39]

The government did not act on any of these cases until 30 May 1996. On that date, police entered the area and, according to the Center, carried out an operation consisting of arbitrary detentions, illegal confiscation of arms, incommunicado detention and extortion.[40] Along with the violence, the state response also appears to disfavor the PRD. To date, five individuals affiliated with Antorcha Campesina have been arrested and subsequently released. Three of four PRD members detained remain in jail, and arrest warrants against another PRD members have issued.[41]

No longer able to tolerate the violence and fear it produced, remaining residents of San Lucas Atoyaquillo, in their majority senior citizens, women and children, decided to abandon their community. More than one hundred individuals marched for twenty-seven hours to Oaxaca City in mid-September 1996, determined to remain until state officials could guarantee security in the region. The residents met with Gov. Diódoro Carrasco Altamirano and other state officials on 25 September. According to San Lucas residents, the governor agreed to provide social welfare programs for community children and to review criminal proceedings initiated against community members. The Special Attorney's Office for the Indigenous (*Procuraduría para la Defensa del Indígena* or PDI, see below) will oversee implementation of the accords. Along with community residents, state and national human rights NGOs will participate on a verification commission.[42]

Campo Bosco/La Estrella vs. Santa María Puxmetacán

Since 1988 serious tensions have existed between the town of Puxmetacán and residents of Campo Bosco/La Estrella. In the 1960s residents of the Puxmetacán left to form their own

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Arrazola, "Asesinan a tres campesinos en Santiago Ixtayutla, Oaxaca," *La Jornada*, 27 Apr. 1996; Centro Regional de Derechos Humanos de la Mixteca, *Realidad Social y Elementos para un Proyecto de Pacificación en San Lucas Atoyaquillo, Municipio de Santiago Ixtayutla, Jamiltepec, Oax., Mexico* (Tlaxiaco, Oaxaca: Jul. 1996), p. 3.

[37]See Víctor Ruiz Arrazola, "Asesinan a tres campesinos en Santiago Ixtayutla, Oaxaca," *La Jornada*, 27 Apr. 1996.

[38]Víctor Ruiz Arrazola, "Se agudizó la violencia que priva desde hace un año en Atoyaquillo," *La Jornada*, 31 May 1996.

[39]Centro Mixteca, 12 Sept. 1996.

[40]*Ibid.*

[41]*Ibid.*

[42]PRODH, SIDIDH, 17, 24, & 26 Sept. 1996.

community on land (some 260 hectares) that Puxmetacán claimed as its own.[43] Violence erupted in November 1988, when residents of each locale met to discuss the conflict. According to residents, Puxmetacán residents beat and tortured a number of Campo Bosco/La Estrella community members, including women. Municipal police on hand did nothing to prevent the violence from occuring or detain it upon its occurrence.[44] Also during 1988, two Campo Bosco/La Estrella men were convicted of raping a Puxmetacán woman, despite evidence placing them in Tehuantepec on the day of the alleged rape. One of the men, Lázaro Máximo Morales, complained that he still had only limited use of his hands because of the torture he suffered at the hands of Puxmetacán residents at the time of his arrest.[45]

Puxmetacán men raped three Campo Bosco/La Estrella women in October 1994. The rapes came soon after a 26 September 1994 invasion of Campo Bosco/La Estrella land by Puxmetacán residents, during the season's second harvest. After the takeover, Campo Bosco/La Estrella residents met on October 2 to determine an appropriate response. Two women,[46] J. and O., aged 26 and 28 respectively, determined that they would go back to their land at least to gather sufficient corn for their families. The two women returned, each of whom was accompanied by one of her children. O. at the time was five months pregnant with her fifth child. At the site of their plantings, they found Puxmetacán men guarding the crops. The men apprehended the two women and led them to the group's leader. The women explained why they had returned, and were allowed to gather some corn.

As the women and their children left the field, transporting the corn on their backs, three of the men followed. The men took the corn from J. and O., pulled their hair, beat them, and pushed them to the ground. One of the men held the children while another raped each woman. Another man then raped both J. and O. The women were allowed to leave, and warned not to return.

After a medical examination confirming the rapes, an official complaint was filed with local authorities. J. and O. identified each of the men accused of the abduction and rape. To date, however, police have arrested none of the men, and no one has been tried. J. and O. informed a Minnesota Advocates representative in August 1995 that they often see the men in the town of María Lombardo, and live in fear because they believe that what happened to them will never be judicially redressed.

A subsequent attack resulted in the deaths of three Campo Bosco/La Estrella men. In the early morning of 5 February 1995 a number of Campo Bosco/La Estrella men were ambushed and

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[43]The new community was known as La Estrella. In November 1988 a number of families returned to Puxmetacán. Those remaining renamed the community Campo Bosco. They would ultimately be uprooted, and move to the town of María Lombardo de Caso (see below). Because residents call the land on which they settled as either Campo Bosco or La Estrella, we have chosen to refer to it as Campo Bosco/La Estrella.

[44]Interview in María Lombardo de Caso, Oaxaca with residents of Campo Bosco/La Estrella, Aug. 1994.

[45]*Ibid.*; Interview in Juchitán with Father Martín Martínez, director of the Tepeyac Human Rights Center, 13 Jul. 1996.

[46]The third woman raped has opted not to denounce the case. Interview in Juchitán with Father Martín Martínez, director of the Tepeyac Human Rights Center, 13 Jul. 1996.

murdered by Puxmetacán residents as the former hunted on federal land. Floriberto Cruz López, 29, Valeriano Máximo Morales, 15, and Renato López, 23, perished in the attack. Floriberto Cruz López left behind four children; Two of López's children survived him. Another Campo Bosco/La Estrella resident, Ismael José Pablo, received injuries in the assault.[47] Campo Bosco/La Estrella members indicated to a Minnesota Advocates' representative that despite having plainly identified to authorities three men allegedly responsible for the assault, arrest warrants, which did not issue until after our August 1995 visit, still have not been carried out.[48]

After the February 1995 attack, remaining residents of Campo Bosco/La Estrella determined that remaining in the town was no longer safe. An estimated 135 persons (from some twenty-one families) departed to María Lombardo on 10 March 1995, with promises from the government that the land dispute would be resolved, either by federal lands grant, or by extending credit to the residents to purchase their own land.

Minnesota Advocates learned in July 1996 that the government never purchased land for the residents of Campo Bosco/La Estrella, even though they had identified a parcel for sale and so informed the state government.[49] The families finally dispersed, largely having given up on the prospects of acquiring their own land. Now, like other landless Oaxacans, they languish in unfamiliar towns, searching for sufficient employment to support themselves and their families. Meanwhile, officials charged with enforcing the law have done little or nothing to seek those individuals presumably responsible for committing the violent acts described above.

The Chimalapas

The Chimalapas region, roughly 600 thousand hectares of ecologically diverse land in Oaxaca's far east and Chiapas' far west, comprises two *ejidos*[50]: Santa María Chimalapa (consisting of some 460 thousand hectares) and San Miguel Chimalapa (about 134 thousand hectares), each of which is among Mexico's largest *ejidos*. *Ejido* members belong mostly to the Zoque indigenous group. Land disputes in the Chimalapas region vary: illegal narcotics production, cattle herding, timber exploitation, environmental preservation, and a Oaxaca-Chiapas border dispute all enter into the

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[47]Interview in María Lombardo de Caso, Oaxaca with residents of Campo Bosco/La Estrella, 12 Aug. 1995.

[48]*Ibid.*; Interview in Juchitán with Father Martín Martínez, director of the Tepeyac Human Rights Center, 13 Jul. 1996.

[49]Interview in Juchitán with Father Martín Martínez, director of the Tepeyac Human Rights Center, 13 Jul. 1996.

[50]Mexico's contemporary *ejido* communal system of land distribution, utilization and ownership was a principal outcome of the Mexican revolution. See Minnesota Advocates, *Conquest Continued*, pp. 4-5. In 1992 the administration of President Carlos Salinas de Gortari significantly modified the system to allow, among other things, individual ownership and non-agrarian uses of *ejidal* land.

mix.[51] Over the last forty years, innumerable land invasions have occurred, mostly by Chiapans entering Chimalapas territory seeking to exploit timber.[52]

The Chiapan government reportedly has encouraged members of indigenous communities (who are not Zoque Indians) from Chiapas' highland region to settle land in the Chimalapas. The Chiapan government reportedly has sent settlers to disputed territories with the purported mission of defending Chiapas from Oaxacans.[53] Indeed, as of July 1996, thirty-four Chiapan communities had formed in disputed territory. Chiapans have invaded Chimalapas *ejidal* land —both within and without Oaxaca— with the encouragement of the Chiapan government. Chimalapas advocates complain that the Oaxacan government has done nothing to prevent Chiapans from entering Chimalapas land in Oaxaca, or to evict invaders.[54] They fear that the absence of governmental involvement in resolving land problems in the Chimalapas may provoke more violent acts.

The National Committee for the Defense of the Chimalapas wrote to President Zedillo in March 1996 to complain of a number of violent and intimidatory acts taken against Chimalapas communities and residents, as well as insufficient governmental action to contain such acts.[55] These include:

- the non execution of arrest warrants in January 1990 against nineteen *pistoleros* (gunmen) from Ganadera community, which had invaded the community of San Isidro La Gringa; nineteen others had been detained and jailed in Cintalapa, Chiapas, but were released without charge five days after their detention;
- on 5 July 1992 the lifeless bodies of Catalina Navat Patistán, Domingo Gómez Navat and a two-month-old girl with no name, life partner and two children respectively of Andrés Gómez Castellanos, president of the executive committee of San Pedro Buenavista, were found by law enforcement authorities. Catalina's corpse displayed injuries suggesting she been raped. The

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[51]Interview in Matías Romero with representatives of the National Committee for the Defense of the Chimalapas, and of Santa María Chimalapa, 14 Jul. 1996.

[52]*Ibid.*; Letter of the National Committee for the Defense of the Chimalapas to President Ernesto Zedillo, 13 Mar. 1996.

[53]Interview in Matías Romero with representatives of the National Committee for the Defense of the Chimalapas, and of Santa María Chimalapa, 14 Jul. 1996. For the purposes of defining *ejido* territory, state borders are irrelevant. Because the *ejidal* system is federal, one *ejido* may consist of land in any number of states.

[54]*Ibid.* Border disputes between the two states have been resolved at least on paper. In practice, however, the Chiapan government reportedly continues to pursue a land-grab policy, probably as a means to alleviate frictions over land in more populated regions of Chiapas.

[55]Chimalapas letter, 13 Mar. 1996.

three had been missing for two days when found.[56] Their still unresolved deaths apparently came soon after the signing of a conciliation agreement between San Pedro and the Chimalapas;

- Chiapan PJE agents and *pistoleros* reportedly abducted Pablo Escobedo Méndez, a resident of San Francisco La Paz, in September 1992. He has not been heard from since; and
- on 12 February 1996 Nabor Escobedo Méndez, a resident of San Francisco La Paz, Santa María Chimalapa, was arrested and jailed in Cintalapa. Authorities charged him with murder, cattle theft in 1991, after cattle ranchers of La Gringa, Chiapas reportedly falsely accused him.[57]

Tired of no state response, Chimalapas residents took matters into their own hands in February 1996. On February 9, they detained more than a dozen individuals believed to be illegally extracting timber from their land. Seven of the detainees were released immediately; others were turned over three days later to Oaxacan PJE agents and taken to Matías Romero. They were released without charge three days later.[58]

As this report is finished, Chimalapas residents held from October 12-13 an international forum to discuss land-related issues. In addition to addressing cases of failed justice, organizers debated the creation of a *campesina* ecological reserve (*reserva ecológica campesina*), which would permit local control over land use decisions, with any eye towards preserving the Chimalapas' rich environment. As a follow-up to the forum, Chimalapas residents scheduled for 29 October a peaceful march to pressure the federal and state governments to meet their demands.[59]

San Lorenzo Texmelucan v. Santo Domingo Teojomulco

These two towns have disputed territory for the past fifty years. The death toll reportedly numbers over two hundred. Though no killings have been registered in the last five years, and only two in the last fourteen, no one has ever been held legally accountable for the past murders.[60] According to Oaxacan human rights monitors, authorities have not successfully investigated or prosecuted a single case produced by this conflict. They also informed Minnesota Advocates that recent administrative maneuvers carried out by one of the towns may indicate that fourteen years of relatively peaceful negotiations are approaching an end. Considering the conflict's bloody history, they fear an eruption of renewed violence.

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[56]Incomplete copy of ministerial act (undated), reprinted in National Committee for the Defense of the Chimalapas, *Chimalapas: Expedientes instauradas ante Comisión Nacional de Derechos Humanos*, prepared for Minnesota Advocates, 23 Jul. 1996. The CNDH took up the case (case no. CNDH/122/92/CHIS/6520). The most recent CNDH document reviewed by Minnesota Advocates, dated 6 May 1996, shows no advances in the criminal investigation.

[57]Chimalapas letter, 13 Mar. 1996.

[58]Ibid; Letter of San Miguel Chimalapa's president of communal goods to President Ernesto Zedillo, 9 Feb. 1996.

[59]Letter of San Miguel Chimalapa leaders to Minnesota Advocates, 18 Oct. 1996.

[60]Interview in Oaxaca City with representatives of Oaxaca's Human Rights Network, 19 Jul. 1996.

HUMAN RIGHTS VIOLATIONS COMMITTED BY STATE AND FEDERAL AUTHORITIES

Introduction

Many Oaxacans interviewed by MA-HA representatives expressed their fear of security forces —whether federal, state, municipal, or communal— operating within Oaxaca. Many Oaxacans we interviewed believe that when police-civilian contact occurs, nearly anything detrimental to the civilian could result, for almost any reason, or for no reason. Their fear, and this belief, stem from the arbitrary, arrogant, corrupt and violent tradition of law enforcement in the state. Over the years, law enforcement personnel in Oaxaca have been responsible for a notorious number of cases of killings, torture, arbitrary detention, and other criminal activity, such as theft.[61]

This is not to say that honest and hard-working police officers or soldiers do not operate in the state. Nor does this report suggest that policing Oaxaca is a simple task. Security force personnel confront difficult obstacles. For example, the pay is low, training is deficient, material and human resources are meager, a poor infrastructure hinders movement over long distances, and criminal activity is surging.[62]

Police work is, however, naturally difficult. Regardless of the difficulty in maintaining security, those charged with enforcing the law must observe basic human rights standards. These standards do not allow, under any circumstances, such acts as murder or torture. Arbitrary arrest may be permitted only when rights guarantees have been formally suspended during times of national emergency,[63] a situation which has not occurred in Oaxaca during the period under study in this report.

This report describes below a number of such human rights violations committed by state security force agents. Though placed into individual sections on killings, torture, and arbitrary detention, some cases below could be described in more than one section.

Killings

Killings committed by state agents do not constitute a high percentage of all human rights violations in the state of Oaxaca. They occur with troubling frequency however. Between 1 January 1995 and 26 June 1996, for example, the Mexico City-based and non-governmental Miguel Agustín Pro Juárez Human Rights Center (PRODH) reported five murders committed by security force or presumed security force agents.[64] In March 1996 the Tepeyac Human Rights Center of Tehuantepec, Oaxaca, reported in its annual regional study on human rights violations that the Center had received

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[61]State-practiced violence, and the fear it produces, exist throughout Mexico.

[62]Both the current and immediate past Attorneys General expressed these sentiments to MA-HA representatives.

[63]See American Convention on Human Rights, signed Nov. 22, 1969, entered into force 18 Jul. 1978 [American Convention], Art. 27.

[64]PRODH, *La Violencia*, appendix.

complaints of twenty-eight killings committed by agents of the state.[65] Neither number is indicative of a statewide count, as the PRODH's numbers consist mostly of press-reported murders, and cases reported by the Tepeyac Human Rights Center were allegedly committed only in the eastern region of Oaxaca, where the group focuses its attention.

The impunity typically afforded the perpetrators is as troubling as the frequency of killings. Governmental efforts to prosecute the murderers and compensate the victims either fail, or simply are not initiated by the appropriate authorities. Illustrative cases follow.

On 1 November 1994 **Sinar and Hildar Jiménez Sánchez, Efraín Cortés Coronel** and **Cristóbal Sánchez García,** four young men from Ranchería Las Cruces, San Miguel Chimalapa, were last seen alive. The four had gone to La Blanca, Santo Domingo, and were drinking refreshments at a small house-front convenience shop at about 7:00 p.m. when a police pickup truck arrived. Uniformed preventive police[66] of the Niltepec, Juchitán, patrol unit[67] emerged from the truck and detained the four young men.[68] The officers placed the men on the truck and drove off.[69]

After hearing of the detention in the afternoon of November 2, members of the victims' families immediately sought to locate the men and determine who had detained them. No police or local authorities in Santo Domingo or Niltepec acknowledged their detention.[70]

The men remained disappeared for nearly two weeks. Their corpses were found finally on November 13 and 14, in a ditch on the side of Federal Highway No. 190.[71] Each of the victims had been shot, one in the head and one in the heart.[72] Police investigations showed that weapons assigned to preventive police agents Rafael Lucas Reyes, Venancio Cortez, and Pompilio Pacheco Hernández had been fired at the scene of the murders.[73] The Tepeyac Human Rights Center took up the case, as did Oaxaca's CEDH.

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[65]Tepeyac Human Rights Center, *IV Informe ("aún con todo... la vida seguirá surgiendo")* (Tehuantepec: 24 Mar. 1996) [Tepeyac Center fourth annual report], p. 40.

[66]Police work in Mexico is divided at the state level into crime prevention and investigation. Preventive and municipal police are on patrol principally to deter criminal behavior and to respond immediately to crimes in progress. Judicial Police (PJE) investigate crimes already committed. PJE agents are rough equivalents to police detectives, preventive or municipal police to cops on the beat.

[67]Statements of Genaro Antonio Couder and Maximino Antonio Morales to PJE agents, 14 Nov. 1996, in Report of PJE agents Carlos Roberto Peralta Martínez and Jorge Martínez Arroyo to First Public Ministry agent, 16 Nov. 1994 [PJE report, 19 Nov. 1994].

[68]Letter of Martha Sánchez, et al., to the Public Ministry office in Juchitán de Zaragoza, 7 Nov. 1994; Statement of Juan García Jiménez to the Public Ministry, 11 Nov. 1994.

[69]Statement of Juan García Jiménez to the Public Ministry, 11 Nov. 1994.

[70]Sánchez letter, 7 Nov. 1994; Tepeyac Center fourth annual report, p. 45.

[71]PJE report, 19 Nov. 1994.

[72]Tepeyac Center fourth annual report, p. 46.

[73]PJE report, 19 Nov. 1994; Report of PGJE forensics experts Felipe Ibáñez and Alberto M. Hernández Pacheco to Juchitán de Zaragoza Public Ministry agent, 3 Dec. 1994.

The Tepeyac Human Rights Center reported that it had no response from the CEDH through July 1996. Also cause for concern are reports that the accused have offered money to the claimants to desist in their efforts to see justice done.[74] More compelling and grave than CEDH shortcomings and bribery, however, is the failed criminal justice response to the crime. Despite the compelling evidence linking the officers to the murders, obtained a month after the victims' abduction, police had not one executed a single arrest warrant as of July 1996.[75]

Seven preventive police agents killed three indigenous (Mixteco) men —**Serafín Cruz Pedro, Florentino Santiago Cruz,** and **Octavio Santiago Montesinos**— on 21 February 1993, in the community of Guadalupe Hidalgo Tilantongo, Nochixtlán. Arrest warrants for the accused remained unexecuted through July 1996.[76] The widows did reportedly receive from the government a payment of 9000 *nuevos pesos* each.[77]

Torture

Torture, defined as acts committed or instigated by public authority and intended to cause severe physical or mental pain or suffering to obtain a confession, punish, or intimidate a person,[78] is strictly prohibited by international as well as Mexican federal and Oaxacan state law.[79] Though torture reportedly does not occur at the levels once experienced in Oaxaca, the frequency and severity of torture cases still cause concern. Father Martín Martínez of the Tepeyac Human Rights Center informed Minnesota Advocates in July 1996 that because of increased scrutiny of police practices, particularly by human rights groups, agents now employ more sophisticated methods of torture, principally as a method of criminal "investigation." Agents now utilize psychological abuse and physical acts that are less likely to leave obvious outward signs of injury.[80]

One recent case illustrates the use of torture in the criminal justice context. **Luis Arturo Tiburcio Lázaro,** a nineteen-year-old from the town of Zaachila, recently completed his first year of law school. On 27 June 1996, he intended to take collective transport from Colonia Volcanes towards the Central de Abasto in Oaxaca City to meet a female friend of his, on collective transport.

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[74]Letter of Tepeyac Human Rights Center to Minnesota Advocates, 11 Jul. 1996.

[75]Tepeyac Center fourth annual report, p. 46; *ibid.*

[76]Memorandum of the Mixteca Regional Human Rights Center, 12 Jun. 1996; Interview in Oaxaca City with representatives of Oaxaca's Human Rights Network, 19 Jul. 1996.

[77]Interview in Oaxaca City with representatives of Oaxaca's Human Rights Network, 19 Jul. 1996.

[78]See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force 26 June 1987 [Torture Convention].

[79]See Torture Convention; *Ley Federal para Prevenir y Sancionar la Tortura,* published in *Diario Oficial* (national official gazette), 27 Dec. 1991, *reprinted in Legislación sobre Derechos Humanos* (Editorial Porrúa, Mexico City: 1995); *Ley Estatal para Prevenir y Sancionar la Tortura,* published in *Periódico Oficial* (Oaxaca state official gazette) (Oaxaca City: 20 Nov. 1993).

[80]Interview in Juchitán with Father Martín Martínez, director of the Tepeyac Human Rights Center, 13 Jul. 1996.

He mistakenly got on the bus for the central district in Oaxaca. When he realized his mistake, at about 8:00 or 8:30 p.m., he descended from his bus. At the same time, however, about five other young men exited the same bus and took off running.

Four armed men in civilian clothing grabbed Luis. They beat him and kicked him for approximately five minutes, asking him where he had gotten off the bus. The Metropolitan Police arrived some fifteen minutes later. The agents placed Luis in the back of a Metropolitan Police pickup truck, where they made him lie face down in the truck bed, with his hands cuffed behind his back. They did not inform Luis of the reason for his detention. The police denied his request to make a telephone call.

After being taken to a police station, police resumed beating him. Police hit him with a clenched fist in the back of the neck, at the base of his head. Police again placed him in the back of a pickup truck and took him to the PGJE in Oaxaca City. He again asked to make a phone call, and the police again denied the request. Police continued interrogating Luis and then PJE agents arrived. He asked the PJE if he could make use of the telephone. They denied his request.

Police moved Luis to a room in the PGJE around 10:30 p.m. The police told him that he knew who the others were "who came with you." Luis denied knowing them (he had reckoned by this time that the police were interested in the youths who had fled). Each time that Luis denied knowing the youths the police beat him. Police used their fists to hit Luis in the stomach and chest. Luis remembers in particular one of his tormentors because the officer wore on his finger a large, squarish ring, which seriously hurt when it made contact with Luis' body. Four PJE officers were present during this twenty-minute beating, though only two struck him. No MP agent was present during this part of his ordeal.

The PJE agents demanded that Luis confess, and warned that failure to comply would result in more beating. They threatened to "warm him up again" ("otra calentadita") if he did not submit to their demands. Luis did not wish to be beaten any more. The MP agent, who did not identify himself, fabricated a declaration for Luis that he eventually signed. While the MP agent concocted Luis' declaration, the PJE agents waited for him outside the door. The MP agent asked Luis questions to supplement the declaration the MP agent himself had created. Luis had to invent a nickname for himself and for others. Luis had been carrying a knapsack. Police planted in it a photograph of an individual named Jesús, a spray can, and knives and shoes, none of which is his.

Luis was held overnight and not allowed to use the telephone until 6:00 p.m. the following day, 28 June. Charging him with automobile theft, on 29 June authorities transferred Luis to the CERESO in Oaxaca City, where he currently remains. Luis had not previously had problems with law enforcement. Though he fears reprisal for complaining of his mistreatment, Luis insisted that his case be made public. "If a law exists," insists Luis, "it should be respected."[81]

State judicial police agents arrested **Hermelindo Remigio Aguilar** in July 1991. He was charged and ultimately convicted of the June 1991 murder of Gerardo Osorio Carrillo, despite compelling

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[81]Interview in Oaxaca City's CERESO with Luis Arturo Tiburcio Lázaro, 18 Jul. 1996.

evidence suggesting his innocence,[82] and the subsequent arrest, in July 1994, of another man charged with the same crime. On the day of his arrest, PJE agents approached Remigio Aguilar, indicating that they were PRI officials conducting census work. After explaining to the officers that he had already been similarly queried twice, the police arrested him, without presenting an arrest warrant. The Tepeyac Human Rights Center reported in Remigio Aguilar's own words the treatment he received at the hands of the PJE agents:

> All of a sudden they handcuffed me and put me up on a pickup truck and from there they took me to Juchitán. Stopping at the town's entry, they tied me up with a piece of cloth and blindfolded me. I couldn't see anything. They took a while in arriving at the place where they beat me. Those who were there dragged me down [to the ground]. They kicked me and put a plastic bag over my nose. I couldn't breathe. They applied electric shocks to me during a pretty long time. They put a heavy rock on me, and stood on top of my stomach.[83]

As a result of this torture, Remigio Aguilar "confessed" to the crime with which he was charged. Both international law and Mexico's domestic law clearly proscribes the use of such evidence.[84]

Remigio Aguilar remained in the Matías Romero jail (*Centro de Readaptación Social* or CERESO) for more than four years. The governor refused to grant a pardon in early 1995, but in November 1995 Remigio Aguilar benefitted from the early release program overseen by Oaxaca's Special Attorney's Office for the Indigenous (Procuraduría para la Defensa del Indígena or PDI). Though Remigio Aguilar is now free, so are his tormentors. Those responsible for carrying out his torture have not been investigated or prosecuted for the crimes committed against Remigio Aguilar. Nor has he been duly compensated for the torture he suffered, as required by international law.[85]

Fernando Garfias Marín suffered another case of torture in Oaxaca, though at the hands of soldiers, not police. Garfias Marín was detained on 25 May 1991 by soldiers acting clearly beyond their authority.[86] Garfias Marín's captors, soldiers of the Mexican Army's Sixth Infantry Battalion, quartered in Matías Romero, utilized an array of torture techniques to get him to confess to the murder of another soldier, Gerardo Rosas López. Soldiers beat and blindfolded Garfias Marín. They stripped him of his clothes and dunked him in a well. They also burned him with cigarettes and kicked his testicles. They jumped up and down on Garfias Marin's knees and beat him with their rifle

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[82]The evidence includes documents from municipality of Santa María Chimalapa indicating that the municipality had employed Remigio Aguilar on the day of the murder, and that he had been transporting construction materials between towns different from the one where the murder took place.

[83]Tepeyac Human Rights Center, *III Informe ("A pesar de las injusticias... la esperanza")* (Tehuantepec: 26 Mar. 1995) [Tepeyac Center third annual report], p. 31.

[84]Torture Convention, Art. 15; *Ley Estatal para Prevenir y Sancionar la Tortura.*

[85]Torture Convention, Art. 14.

[86]Executing arrests is a civilian matter. Military activity is restricted by Article 129 of the Mexican Constitution, which provides that in times of peace "no military authority may carry out functions other than those strictly related to military discipline."

butts. They also forced carbonated water laced with hot chile peppers into his nose and pulled off his toenails.

In addition to this physical torture, soldiers also employed psychological torture, informing Garfias Marín that his mother had also been detained.[87] In fact, after Garfias Marín had been detained, friends of his informed his mother that he had been captured. She went directly to the military barracks in Matías Romero. Her reception at the barracks compares to similar actions taken by authorities responsible for the disappearance of persons throughout Latin America: officials denied that they had her son under their control.[88] Garfias Marín's mother visited numerous official institutions and representatives, including the CEDH, CNDH, and Oaxaca's governor, to no avail. Despite considerable press attention brought to the case, Garfias Marín, ultimately convicted of the murder, remained imprisoned in the Matías Romero CERESO until March 1995 when he benefitted from early release. The governor had rejected an October 1994 pardon request.

And as in the case of Remigio Aguilar, those responsible for torturing Garfias Marín have never been held accountable for their actions, and the state has never compensated Garfias Marín for the human rights violations he suffered.

Arbitrary Detention

As the above cases illustrate, torture victims often are first arbitrarily detained. Individuals so detained have been apprehended —or are held— by authorities illegally. They may be picked up without a proper arrest warrant, or under circumstances not justifying an arrest; they also may be held beyond the time allowed by law. Arbitrary detention violates an individual's basic right of personal liberty and security.[89] PGJE statistics provided to Minnesota Advocates upon request (see below) show that arbitrary detention, and concurrent violations, comprise nearly a third of all complaints received.

In Oaxaca City on the morning of 28 June 1996, PJE agents arrested **Albino Jiménez Antonio** without warrant. He had gone to the supplies market in Oaxaca to buy wood. At the time of his detention, he possessed two wallets: his own and that of his aunt, whom he had just visited. His aunt's wallet contained 750 *nuevos pesos*, about US $100, which had been lent to her to pay for her son's operation. His own wallet contained no cash. He had an additional ten *nuevos pesos* in his pocket to purchase the wood. The police grabbed him by the arms and interrogated him. They confiscated his wallets and accused him of being a pickpocket, saying that everyone at the market had so identified him. They transported Jiménez Antonio to PGJE headquarters where they again interrogated and accused him. When Jiménez Antonio denied the accusations, the police officer who had confiscated his wallets and had been interrogating him hit him hard with an open hand across Jiménez Antonio's left cheek. He continued to deny the accusation despite the physical abuse.

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[87]Tepeyac Center third annual report, pp. 29-30.

[88]Interview with Francisca Marín, 30 Aug. 1994.

[89]See American Convention, Art. 7: International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force 23 Mar. 1976 [ICCPR], Art. 9.

Police released Jiménez Antonio without charge at about midnight, some fourteen hours after his arrest, but not after first making him sweep and mop PGJE floors. Police kept his belongings.[90] Representatives of the "Flor y Canto" Human Rights Center accompanied Jiménez Ortiz to PGJE headquarters on July 1 to present a complaint and collect his personal belongings. Outside the Attorney General's office, Jiménez Ortiz identified the PJE agent who had taken his money. The agent acknowledged having taken it and called for his commander. The Attorney General left his office and asked the police officer to return his money. The commander then arrived and denied that his officers stole money from citizens, and blamed Jiménez Antonio for not informing the officer when he had left PGJE headquarters. With the assistance of the Attorney General's advisor, Jiménez Antonio retrieved from the PJE the wallet.[91]

Operating under the orders of a municipal prosecutor, ten community police agents of El Arador community, San Lorenzo Texmelucán, entered the house of **Filogonio Martínez Marcial**, an eighty-five-year-old man, at about 9:00 pm. on 5 June 1996.[92] They tied him with rope and forced him to walk in the rain over difficult terrain to San Lorenzo Texmelucán, where they jailed him. Municipal authorities kept him tied in jail, and allowed him to eat only one taco during four days of incarceration. Martínez Marcial's sixty-four-year-old wife, Evodia Vásquez Martínez, trekked to San Lorenzo with the entourage. The local officials forbade her from providing her husband dry clothing or food. The municipal authorities detained Martínez Marcial in an apparent attempt to force him to give up his land. On 9 June, the local prosecutor demanded that Vásquez Martínez turn over an official document relinquishing ownership of Martínez Marcial's land. She refused.

A case described by the church-affiliated Príncipes Human Rights Center to Minnesota Advocates involves arbitrary detention committed by the Mexican military. On 30 January 1996 soldiers of the Mexican Army's 47th Battalion, commanded by Lt. Col. Fortión Castillo León, detained **six men and a minor** in the El Santo *ejido* of Santiago Jamiltepec. Juan Gómez,[93] sixty-seven years old and half-blind, was working a field at about 7:00 a.m. on January 30, when he heard shots fired not far from where he was cultivating a corn plot. Soon thereafter, soldiers in two army trucks arrived and demanded to know what he was doing. He explained that he was planting corn. The soldiers detained Gómez and took him in the direction of the shots, to where the field boss was. The soldiers accused him of cultivating marijuana, an accusation he denied. The field boss ordered him to hold marijuana plants that presumably had been pulled from nearby, but Gómez refused. The

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[90]Letter of Albino Jiménez Antonio to Attorney General Roberto Pedro Martínez Ortiz, 1 Jul. 1996.

[91]Interview in Oaxaca City with representatives of Oaxaca's Human Rights Network, 19 Jul. 1996; Complaint filed by Braulio López Vásquez before the CEDH, 19 Jun. 1996. The returned wallet contained 750 *nuevos pesos*, though in bills different than those confiscated from him. *Ibid.*

[92]The local police are known as *topiles*. The municipal prosecutor is the *síndico*. Possession of these local posts is temporal and rotates among men within a community. Performance of the posts' duties is considered a communal obligation.

[93]Not his real name. Gómez and the other detained men prefer that their names not be publicized because they fear reprisal —in the form of more jail time— if they denounce the case.

field boss then threatened Gómez with death if he did not hold the plants, and punched him in the chest. Fearing for his life, Gómez took the plants, and the soldiers photographed him.

Five other men and a male minor were also arrested under similar circumstances: they had been working, heard shots, and then were picked up by the military. These six individuals were forced at gunpoint to pose with their farming tools with the marijuana plants. All seven were blindfolded and made to lie face down on the military transport vehicle.

While being moved from the *ejido* to jail, they overheard the soldiers describing the soldiers' bad day. Approaching what they believed to be a marijuana field, the soldiers spotted three men who saw the soldiers and ran off. The soldiers shot at the fleeing men, and gave chase, but could not apprehend them. Fearful of returning empty-handed, they detained the seven.[94] The six men detained won in federal court an *amparo* decision challenging their incarceration order. The Federal Public Ministry appealed the *amparo* before the 13th Circuit federal court in August 1996, however, and while the court reviewed the *amparo* decision, the men remained in jail.[95] The federal court ordered their release on 28 September 1996.[96]

In July 1996 the Bartolomé Carrasco Regional Human Rights Center forwarded to Minnesota Advocates a letter from a prisoner in the Sola de Vega, Oaxaca jail that described arbitrary treatment he had suffered. The prisoner, **Margarito Martínez Santos**, stated that he had been detained on 16 August 1993 by PJE agents who did not explain the reasons for his arrest. Taken to the PGJE central office, a Public Ministry attorney informed him he had been detained for his apparent participation in an assault and murder. He denied any involvement.

Authorities transferred him three days later to the jail facility in Sola de Vega, after first asking him to sign papers he believed to be related to the transfer. In Sola de Vega he was brought before a judge, in whose courtroom he learned that the papers he signed had actually been a "confession" to the crime, written by someone else. Martínez Santos requested that his accusers be made to identify him in court. The judge denied his request. According to Martínez Santos, the judge also refused to allow witnesses to testify on his behalf. The witnesses apparently would have indicated that Martínez Santos was in a different town on the date of the murder. He was sentenced to twenty years on 21 December 1994.[97]

Failure to enforce the law

In addition to their commissions, state agents routinely flout human rights standards in Oaxaca by their continuous and sweeping omissions. International human rights law requires that states ensure to all persons subject to their jurisdiction the free and full exercise of basic human rights,

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[94]Interview in Oaxaca City with Abdón Rubio Cabrera and María Guiselba Cabrera Campos of the Príncipes Human Rights Center, 16 Jul. 1996; Letter of Eduardo Martínez Loyola of the National Indigenous Institute to the Príncipes Human Rights Center, 16 Jul. 1996.

[95]The minor had previously been released. Telephone interview with Abdón Rubio Cabrera, 1 Oct. 1996.

[96]Letter of Abdón Rubio Cabrera to Minnesota Advocates, 25 Oct. 1996.

[97]Letter of Margarito Martínez Santos to Minnesota Advocates, 3 Jul. 1996.

without any discrimination based on such personal characteristics as race, color, sex, religion, and economic status.[98] States need not resolve every crime committed. Indeed, some crimes by their very nature may never be resolved. A state violates human rights, however, when it systematically fails to act, or routinely takes inadequate action in response to private behavior that violates an individual's basic rights to have his or her life, and physical, mental and moral integrity respected, and to personal liberty and security.[99]

As described above, countless murders and other assaults on basic human rights have been ignored by both the Oaxacan and Mexican federal government. Such crimes routinely go uninvestigated. Even when crimes are investigated, arrest warrants frequently remain unexecuted, and case files are shelved forever. When the police do execute arrest warrants, detainees, especially if connected to powerful *caciques*, often escape prosecution. This consistent pattern of impunity itself violates Mexico's international obligations to ensure and respect human rights.[100]

In addition to issues discussed above, two phenomena in Oaxaca illustrate the relation between failed human rights protection and further abuse. On the one hand, law enforcement officials notoriously fail to execute arrest warrants. On the other, the violent communal response to the lack of law enforcement —in the form of public lynchings— truly frightens, and only exacerbates public insecurity throughout the state. These related issues are described below.

Failure to execute arrest warrants

More than ten percent of all complaints made to the PGJE human rights department involve the failure to execute arrest warrants. State law enforcement officials provided MA-HA representatives a litany of reasons why: police are understaffed, have insufficient resources, and Oaxaca's mountainous terrain and large size (and seven thousand communities), combined with its poor infrastructure, make it very difficult to carry out police functions.[101] Some outstanding warrants are years old. In the context of land disputes, correcting the failure to execute lagged arrest warrants in a "strictly legal" manner would take too long, according to the Attorney General office's legal

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[98]See American Convention, Art. 1(1); ICCPR, Art. 2(1).

[99]See for example American Convention, arts. 4, 5 and 7.

[100]See Inter-American Court of Human Rights, *Velásquez Rodriguez Case*, Judgment of 29 July 1988, Inter-Am.Ct.H.R. (Ser. C) No. 4 (1988), paras. 168-182.

The Court stated the principle clearly in *Velásquez*: "The State is obligated to investigate every situation involving a violation of the rights protected by the [American] Convention. If the State apparatus acts in such a way that the violation goes unpunished and the victim's full enjoyment of such rights is not restored as soon as possible, the State has failed to comply with its duty to ensure the free and full exercise of those rights to the persons within its jurisdiction. The same is true when the State allows private persons or groups to act freely and with impunity to the detriment of the rights recognized by the Convention." (para. 176)

[101]Interview in Oaxaca City with Attorney General Héctor Anuar Mafud Mafud and other PGJE representatives, 7 Aug. 1995: Interview in Oaxaca City with Attorney General Roberto Pedro Martínez Ortiz, 19 Jul. 1996.

director, Lic. Mateo Velasco Moreno.[102] In fact, he indicated, the Attorney General, state governor, and PDI director were working on a political solution to the problem in August 1995.[103]

In many cases the failure to carry out arrest warrants may result from police inabilities, or lack of interest, in resolving particular crimes. In others, it seems to be used as a method of state coercion. Social activists and community leaders commented to MA-HA representatives that state officials had threatened them with the future execution of pending detention orders, should the individual do something deemed inappropriate by officials. Considering what appears to be the political use of the criminal process, we are concerned, particularly in light of Oaxaca's current crackdown on presumed insurgents, that such threats may be carried out, no matter how spurious the charge.

In addition to events already described above, the following cases illustrate the phenomenon of unexecuted arrest warrants.

At about 8:00 a.m. on 14 April 1995 **Plácido Alfonso Gallegos Castro** and **Faustino Quecha Salvador** were murdered in San Blas Atempa, a community near Tehuantepec. The attackers assaulted the victims in the residence of Teresa Mujica, mother of one of the victims. The assailants also stole personal property from the home, brazenly loading it and carting it away in three-wheeled motorized vehicles. The three presumed assailants, local powerful thugs reportedly involved in a dispute with one of the victims over illicit activities, had been seen earlier in the morning drinking beer with local law enforcement personnel. Warrants for their arrest remained unexecuted as of July 1996.[104]

Valente de la Rosa was murdered on 2 December 1992 in Santa María Guienagati. Criminal investigations did not advance until the CEDH, receiving pressure from the Tepeyac Human Rights Center, produced a recommendation (No. 9/94). It called for the execution of arrest warrants against the accused, and an investigation and sanctioning of the agents responsible for failing to carry out the warrants. Following the CEDH recommendation, police arrested one of the accused, Abel Alvarez Chiñas, in July 1994. He was released, however, fifteen days later.[105] The PGJE promised representatives of the Tepeyac Human Rights Center in March 1995 that they would inform them of the reasons for the release of Alvarez Chiñas. The Tepeyac Human Rights Center did not receive the PGJE's response (reason: insufficient evidence) until after August 1995.[106]

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[102]Interview in Oaxaca City with Attorney General Héctor Anuar Mafud Mafud and other PGJE representatives, 7 Aug. 1995.

[103]*Ibid.*

[104]Tepeyac Human Rights Center case files; Interview in Juchitán with Father Martín Martínez, director of the Tepeyac Human Rights Center, 13 Jul. 1996.

[105]Tepeyac Center third annual report, p. 34.

[106]Interview in Juchitán with Father Martín Martínez, director of the Tepeyac Human Rights Center, 13 Jul. 1996.

Police eventually arrested the second man in March 1996. He stands trial as this report is written.[107] To justify the delay in executing the arrest warrant, PJE officials indicated to the Tepeyac Human Rights Center that the residence of the accused was simply too difficult to reach. But a witness to the murder, and nephew of the deceased, reported to the Tepeyac Human Rights Center that he has seen the accused in the center of Santa María Guienagati, where they both live.[108]

On 7 August 1993 **Máximo López Méndez** was murdered in Salina Cruz. Eyewitnesses identified the killer as Felipe Zaragoza Mejía. Local law enforcement authorities opened investigation No. 634/993 into the case.[109] When questioned, the PGJE human rights office informed the Tepeyac Human Rights Center in March 1995 that "[officers] were on the verge of arresting Felipe, but for certain reasons the arrest could not be carried out."[110] Police never did arrest the suspect, as he died in June 1995, nearly two years after the murder.[111] Máximo López's neighbors apparently indicated that the suspect operated as a *madrina* —or unofficial assistant— for the PJE,[112] and fear that that is the reason he was not detained. Witnesses also reported being threatened with bodily harm for testifying against the suspect.[113]

Private justice: lynchings

When citizens find that the law is not enforced, and are faced with criminal or gravely anti-social behavior, they are tempted to take the law into their own hands. In Oaxaca, they have yielded to that temptation in a number of troubling instances, resulting in numerous killings committed by mobs.[114] The following cases illustrate the human rights abuses that can occur when individuals mete out private "justice."

Paso de Aguila: apparent wife-killer hanged and burned

According to Mexican press reports, on 31 August 1996 some thirty men from Tatahuicapán, Veracruz state, entered the neighboring community of Paso de Aguila, San Juan Lalana, Oaxaca, and

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[107]*Ibid.*

[108]Memorial, 10 Aug. 1995, p. 16.

[109]Tepeyac Center third annual report, pp. 34-35.

[110]*Ibid.*, p. 35.

[111]Interview in Juchitán with Father Martín Martínez, director of the Tepeyac Human Rights Center, 13 Jul. 1996.

[112]Literally "godmothers," *madrinas* act as extralegal reinforcement to judicial police officers and Public Ministry agents throughout Mexico. Much more than informants, *madrinas* receive illegal and off-the-books payments to assist law enforcement and carry out operations, for example at roadblocks and during arrests. Often former police officers themselves (and quite often dishonorably discharged), *madrinas* are a notorious link in the Mexican chain of police corruption and malfeasance.

[113]Tepeyac Human Rights Center, *II Informe (Los Derechos Humanos de Nuestros Pueblos)* (Tehuantepec: Mar. 1994), pp. 66-67.

[114]The phenomenon is an increasingly widespread problem throughout Mexico. See Molly Moore, "Lynch Law the Rule in Mexican Towns," *Washington Post*, 7 Sept 1996.

tracked down Rodolfo Soler, 27, because they believed he had strangled his wife. Tatahuicapán residents reportedly heard of the wife's murder and immediately moved into Paso de Aguila. They found Soler in his house, in an apparently drunken state. They tied Soler up and beat him, doused him with gasoline, and then hanged Soler before setting him on fire.[115]

Río Chiquito: three men killed

Acting on a November 1995 community decision to dispense with criminals,[116] a mob of community members reportedly lynched three residents of Río Chiquito on 1 January 1996. The victims were presumed responsible for shooting another resident and threatening other community members.[117] Enrique Ocampo Jiménez, Eucario Jiménez Ocampo and Horlando Mendoza Ojeda were captured and shot to death after residents of Río Chiquito chased them down.

Two months earlier, Ocampo Jiménez reportedly had been strung up in a tree by community residents —including municipal police officers— for his failure to complete community services. He could not provide such services because he reportedly had headed north in search of work.[118] Río Chiquito residents charged with police work had intercepted Ocampo Jiménez as he headed home in the evening of 1 November 1995. They detained and beat him. He ultimately escaped his captors, however. The following day individuals pulled him from a river while bathing and took him to the local jail. The victim reportedly was removed from the jail on November 2, blindfolded, and hung from a tree until he lost consciousness. Community members apparently deliberated whether to kill him, But women residents argued that expulsion was sufficient punishment, and residents allowed him to live.[119] As described above, however, they lynched him two months later.

San Rafael Toltepec: three highway bandits killed

The Mexican daily *La Jornada* reported that on 20 November 1995 residents of San Rafael Toltepec murdered at least three members of a suspected band of highway bandits that operated on a stretch of road between Chacalapa and Candelaria. Community residents reportedly assaulted two of the victims at the La Coqueta stop on the highway, before chasing two more into the surrounding hillside.[120]

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[115]*La Jornada* website, "Ocho asesinatos en Chiapas y Oaxaca en 48 horas," URL: http://www.nuclecu.unam.mx/~jornada/960903.dir/quemados.txt.html, 3 Sept. 1996.

[116]See Octavio Vélez Ascenso, "Acuerden en una comunidad de Oaxaca linchar a delincuentes," *La Jornada*, Nov. 23, 1995. The article indicates that Río Chiquito residents were so dissatisfied with ineffective police forces and rampant delinquency that they opted to take quick measures of vengeance against suspected criminals. Reminiscent of Lope de Vega's play, *Fuente Ovejuna*, the community reportedly indicated that if authorities took issue with the community's actions they would "have to arrest everyone."

[117]Víctor Ruiz, "Linchan a tres habitantes del poblado Río Chiquito, Oaxaca," *La Jornada*, 3 Jan. 1996.

[118]*Ibid.*

[119]*Ibid.*

[120]Víctor Ruiz Arrazola, "Matan vecinos a tres delincuentes," *La Jornada*, 23 Nov. 1995.

Bus robber killed

On 9 October 1995 two men robbed passengers on a bus traveling between Coatzacoalcos, Veracruz state, and Salina Cruz. Passengers fought back, however, and did not allow both men to escape. Indeed, passengers reportedly chased down one of the fleeing thieves and beat him to death. His partner reportedly escaped.[121]

Arroyo Metate, San Lorenzo Lalana: three men killed

A vigilante mob from Arroyo Metate reportedly killed three men on 25 September 1995. The community suspected the three men of having murdered Manuel Pérez Enríquez, owner of a local store.[122] After learning of Pérez Enríquez's death, community members organized themselves and chased down the suspects. One man was apparently hanged; another was beaten with poles and rocks before being shot in the face. The third victim of mob "justice" was reportedly caught and transported to the municipal office, where the mob hacked him with machetes before hanging him.

A state Public Ministry agent, Ignacio Manuel López Castro, reportedly arrived at the scene but failed to dissuade the crowd from carrying out the third killing. According to a police report cited by *La Jornada*, the crowd decided to murder the suspect because "they no longer trusted the authorities, and if [the Public Ministry agent] decided to free the individual, he would have received the same treatment, for which reason in the presence of the state representative they beat and killed the individual."[123]

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[121]Guadalupe Ríos, "Pasajeros de un autobús linchan a frustrado asaltante; otro escapó," *La Jornada*, 10 Oct. 1995.

[122]Víctor Ruiz Arrazola, "Linchan vecinos de San Lorenzo Lalana a 3 presuntos asaltantes," *La Jornada*, 26 Sept. 1995.

[123]*Ibid.*

KILLINGS, DISAPPEARANCES AND ATTACKS AGAINST OAXACA'S TEACHERS

Over recent years, Oaxaca's educators have been hit hard by violence. As of this writing, at least 108 Oaxacan teachers have been killed, disappeared, or injured in apparently politically-motivated attacks dating to 1978. Most of the cases have occurred since 1988.

Teachers (there are some 53,000 in Oaxaca, the great majority of whom are indigenous or of indigenous ancestry[124]) are targeted for attack for a number of reasons. Quite often teachers bring with them to the classroom ideas regarding issues such as democracy, corruption, justice, and human rights, that challenge the status quo in the hundreds of small, isolated communities throughout Oaxaca. The state has a strong tradition of *caciquismo*, by which all-powerful local strongmen (*caciques*) exert significant influence over important aspects of the lives of community residents. It is not surprising that individuals who challenge that model of societal structure —including teachers (who commonly come from outside the communities in which they teach)— suffer attack.

The Oaxaca state government has done very little (with one important exception, described below) to investigate and resolve these cases. The failure to investigate physical assaults leading to serious injury and death, execute arrest warrants, or prosecute responsible parties fits the general pattern of insufficient state governmental response to selective violence in the state. Human rights workers interviewed by MA-HA in August 1995 indicated their fear that the lack of governmental response is purposely used as a method of social control. They fear that the government allows social activists to suffer violence as a means of preventing changes to the system in place. In a July 1996 follow-up visit to the state, teachers and others concerned about human rights in Oaxaca explained to Minnesota Advocates that the situation has only worsened in the past year.

The following cases illustrate attacks against Oaxaca's teachers.[125]

Illustrative Cases

Crisanto Gabino Antonio Antonio was murdered on 14 June 1995 in San Vicente Coatlán, Jutla de Crespo. Antonio Antonio, a teacher, also had been elected municipal president in an area reported to be suffering problems involving illegal drugs, common crime, and violence. He began to experience difficulties in the community, in part because of his desire to form a commission of people to investigate community problems.

While traveling between the communities of San Vicente and San Miguel with a friend, an unknown man accosted him. The man shot Antonio Antonio with an AK47 (known locally as a *cuerno de chivo* or *cuerno*).

After his companion approached SNTE Section 22, the Office of the Special Investigator for Cases Involving Educators (*Fiscalía Especial para Asuntos Magisteriales* or FEPAM [described below]) took on the case. People from Antonio Antonio's community have indicated to the FEPAM

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[124]Interview in Oaxaca City with COMADH representatives, 18 Jul. 1996.

[125]A list of the 110 cases under investigation by the special prosecutor's office created to deal with teachers' cases is included as an appendix to this report.

that murders in the municipality are common. In August 1995, arrest warrants issued against persons presumed responsible for murders in the community remained unexecuted.[126] Since then, however, seven individuals have been arrested, and another eighteen arrest warrants have issued.[127] Such action, a result of FEPAM work, represents uncommon success in resolving these cases.

In **Santa María Huatulco,**[128] a police and counter-demonstrators violently suppressed a teachers' protest on 11 November 1994. Some 1500 teachers and local residents mobilized to press the government to comply with economic and educational agreements it had made with the teachers' movement. The municipal president of Santa María Huatulco learned of the planned demonstration and sought to prevent its occurrence.

Federal Highway Police, along with PJF, PJE, and municipal police agents were dispatched to suppress the protest. In addition, civilians, including some reportedly paid by municipal authorities, counter-demonstrated. The original protestors marched on the international highway, and were met by a contingent of some 500 individuals, travelling in trucks, who had blocked the highway with large rocks. In the ensuing confrontation in El Aguaje, roughly an hour's walk from Huatulco, counter-demonstrators assaulted the protestors with rocks and wooden poles. Police discharged their weapons. Three individuals suffered injuries.[129]

As of August 1995, FEPAM investigations, based in part on interviews with police, indicated that significant violence was aimed against the teachers. The FEPAM turned over its file to the PGJE on 12 June 1995. An *averiguación previa* (the initial formal step in criminal investigations) has commenced, focusing on the apparent involvement of the then municipal president, José Humberto Cruz Ramos, currently a deputy in the state legislature. The government has been reluctant to pursue the case, apparently fearing the political fallout stemming from prosecuting this PRI politician.[130]

Eighteen years of civil and military judicial investigations into the disappearance of **Víctor Pineda Henestrosa,** a Oaxacan teacher, have produced virtually no results. Pineda Henestrosa was abducted on 11 July 1978, apparently by four soldiers stationed in Oaxaca, in the center of Juchitán de Zaragoza, a town in southeastern Oaxaca. While speaking with a friend, a Volkswagen minibus stopped in front Pineda Henestrosa's automobile, blocking it. Four men descended from the vehicle —two dressed as civilians and two others, heavily armed and dressed in military uniform. They

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[126]Interview in Oaxaca City with COMADH and FEPAM representatives, 7 Aug. 1995.

[127]Interview in Oaxaca City with COMADH representatives, 18 Jul. 1996.

[128]Near the Pacific coast, Santa María Huatulco is an increasingly important tourist destination. The EPR launched a quick assault on the town on August 29, 1996, before fleeing into the surrounding countryside.

[129]Interview in Oaxaca City with COMADH and FEPAM representatives, 7 Aug. 1995; Interview in Oaxaca City with COMADH representatives, 18 Jul. 1996.

[130]In a development legally unsatisfactory yet indicative of Oaxaca's politico-judicial system, the government and SNTE Section 22 supposedly were slowly negotiating a resolution of the case in July 1996. In essence, the government had agreed to detain Cruz Ramos provided the SNTE was willing to see one of its members arrested.

removed Pineda from his automobile, took his keys, and took him and his vehicle away.[131] That was the last time Pineda is known to have been seen alive.

The National Human Rights Commission incorporated the case into its special program investigating persons presumably disappeared. In 1992 the CNDH informed Pineda's wife that it had identified the car that Pineda Henestrosa was driving the day of his disappearance. The car originally had been found on 13 July 1978 (only two days after his disappearance, on a roadside, burned, with a severely burned human corpse inside). The car was then towed to a junkyard, where CNDH investigators found it. CNDH investigators also found burned human remains in the automobile, which criminal investigators determined were at least ten years old and belonged to an adult. The CNDH concluded that it was "highly probable" that the remains it found belonged to Pineda Henestrosa.[132]

The civilian Public Ministry turned the case over to the military justice system to investigate. Military investigations have not advanced, and should the case remain under military jurisdiction, failed process is virtually guaranteed. The Mexican military's unwillingness to investigate and prosecute human rights violations committed within its ranks cannot be understated.[133] Not one human rights violation perpetrated by the Mexican military during the Chiapas rebellion,[134] for example, has yet to be successfully investigated or prosecuted.[135]

Regardless of whether anyone is prosecuted for Pineda Henestrosa's disappearance and apparent murder, a separate question involves identity. Relatives of the disappeared often feel a tremendous need to know what ultimately happened to their loved one, as the loss of the individual is compounded by the loss of information about him or her. As this report is finished, Minnesota Advocates is working with the COMADH and Pineda Henestrosa's widow to attempt to determine through forensic techniques whether the remains she now keeps are in fact Victor's.

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[131]Statement in criminal complaint filed by Cándida Santiago Jiménez, 16 Aug. 1979.

[132]Letter of Luis Raúl González Pérez, CNDH Technical Secretary, to Cándida Santiago Jiménez, et al., 14 Jul. 1992, p. 18.

[133]See, for example, Minnesota Advocates for Human Rights, *Stifling Human Rights Advocacy in Mexico: The Censure of Brigadier General José Francisco Gallardo Rodríguez*, May 1994 (Minneapolis: May 1994). That report describes the military imprisonment of General Gallardo for, among other things, suggesting that a civilian ombudsman should be created to investigate human rights violations presumably committed by the Mexican military. *See also*, John Ward Anderson, "Mexican General Speaks Up For Rights, Ends Up in Jail," *Washington Post*, 25 Jun. 1996. General Gallardo remained in jail as of early October 1996.

[134]See Physicians for Human Rights and Human Rights Watch, *Waiting for Justice in Chiapas* (Boston and New York: Dec. 1994).

[135]See, for example, Human Rights Watch/Americas, *Militar declarado "culpable" de masacre en Chiapas: El acusado aparece muerte en la Secretaría de Defensa*, (New York: Jun. 1995). See also the failed investigations of rights violations committed by the Mexican military discussed in Minnesota Advocates for Human Rights, *Civilians at Risk: Military and Police Abuses in the Mexican Countryside* (Minneapolis: Aug. 1993).

Non-Governmental and Governmental Responses

Oaxaca's Teachers Human Rights Commission (*Comisión Magisterial de Derechos Humanos* or COMADH), is a non-governmental group committed to promoting human rights for teachers. Its members include National Education Workers Union (SNTE) Section 22 members who have suffered human rights violations or persecution, as well as their family members. With a tight budget and very dedicated members, the COMADH has defended the human rights of teachers in Oaxaca, attended victims of abuse, and advocated human rights more generally throughout the state.

For example, to resolve pending criminal investigations into attacks against Oaxaca's teachers, the COMADH requested that the state specially deal with cases involving slain and missing teachers. Though acting tardily, the PGJE, to its credit, responded. Working with SNTE Section 22 and through the COMADH, the PGJE created the Office of the Special Investigator for Cases Involving Educators (*Fiscalía Especial para Asuntos Magisteriales* or FEPAM). The FEPAM, given an initial one-year mandate, began operations in July 1994.[136]

The FEPAM reviews files in cases involving teachers who have suffered attack because of their work as teachers. The FEPAM seeks to determine whether governmental authorities have appropriately carried out their functions, oversees the advance of criminal investigations, acts as a party to proceedings, attempts to locate presumed responsible parties, and endeavors to clear up cases of disappearance. The FEPAM reports not only to the Attorney General's Office, but also to SNTE Section 22.[137]

As of July 1996, the FEPAM had initiated investigations into 110 cases. The case docket of July 1995 —the last time the FEPAM compiled and reported statistics— provides a flavor of the types of cases under investigation: seventy-seven cases of presumed murder, five disappearance cases and four injury[138] cases. [139] Twenty-six cases had been definitively resolved as of July 1996. [140] The FEPAM reports, however, that a number of those cases were resolved simply because the passage of too much time prescribed prosecution.[141] The FEPAM has recommended administrative sanctions for those state agents responsible for the delays in investigations that prevented prosecution.[142]

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[136]Fiscalía Especial para Asuntos Magisteriales, *Informe Anual*, 1 Jul. 1995 [FEPAM annual report], p. 6.

[137]*Ibid.*, pp. 6-7.

[138]The crime is known in Mexico as *lesiones*. It refers to acts that physically injure an individual. See Código Penal para el Estado Libre y Soberano de Oaxaca, *reprinted in* Códigos Penal y de Procedimientos Penales para el Estado Libre y Soberano de Oaxaca, pp. 7-137 (H. Tribunal Superior de Justicia del Estado de Oaxaca, Oaxaca: Jul. 1995) [Oaxacan Penal Code], Art. 271.

[139]FEPAM annual report, p. 7.

[140]*Ibid.*, p. 7: Interview in Oaxaca City with F. Javier Cureño, Fiscal Especial, 18 Jul. 1996.

[141]See Oaxacan Penal Code, arts. 117-135.

[142]FEPAM annual report, p. 7.

Though it receives high marks from the COMADH and SNTE Section 22, tangible FEPAM results are limited. This is due in no small part to limited financial, technical and personnel resources,[143] as well as to inaction by other state judicial and law enforcement authorities. The FEPAM has recommended action against state authorities in six cases, in which the FEPAM suggested sanctions against three agents. None of the agents had been sanctioned as of July 1996. In fact one such state agent, who is presumed to have participated in three cases, has been promoted. Jesús Aragón García, who had originally archived the file in the unresolved FEPAM case of Modesto Patolzin Moicén (disappeared and presumed to have been murdered on 26 February 1988), was elevated to director of the PJE's coast region.[144] According to the COMADH, the FEPAM has enjoyed other, less obvious, successes. For example, the FEPAM has made headway in cases that previously had not advanced. And also, the FEPAM has convinced some Oaxacans that approaching state law enforcement and judicial officials, such as FEPAM investigators, may actually prove worthwhile.[145]

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[143]Interview in Oaxaca City with F. Javier Cureño, Fiscal Especial, 18 Jul. 1996.

[144]Interview in Oaxaca City with COMADH representatives, 18 Jul. 1996.

[145]*Ibid.*

AFFRONTS AGAINST HUMAN RIGHTS, INDIGENOUS, AND OTHER CIVIL SOCIETY LEADERS, ACTIVISTS, AND GROUPS

In response to human rights violations and other grave social conditions in Oaxaca, a growing community of non-governmental human rights and other civic activists and organizations has emerged. Its members possess different backgrounds. Academics, individuals personally affected by rights violations, church workers, indigenous leaders, teachers and others are demanding with increasing force that the government ensure basic rights. Such demands have prompted those who perceive themselves unlikely to benefit from an improved rights situation, or a more equitable social structure, to react.

At times reactions are verbal. Accusations against defenders of human rights are commonplace in Oaxaca and throughout Mexico. Individuals with a firm disregard for human rights frequently and publicly blast rights organizations and activists, including governmental entities and actors, for "defending delinquents" and interfering with police work. In essence they contend that criminal defendants have no rights. At other times, the enemies of human rights work lash out violently.

Civil society activists in Oaxaca are at risk for attack. The form of attack varies. Some are victims of smear campaigns. Others have suffered physical assault, producing injury and even death. Legal methods are also used to intimidate or hinder the work of non-governmental actors seeking change. For example, Oaxaca recently passed an NGO Law (discussed below), which permits significant governmental interference in the affairs of non-governmental organizations. State officials also have threatened activists with arrest, citing pending arrest warrants.

Whatever the means, such actions aim to inhibit individuals' freedoms of association and expression. These freedoms are enshrined in international human rights covenants,[146] and are among the most basic of civil and political rights. In their absence, the robust debate that should define a democratic society does not exist. And by failing to guarantee such elemental rights, Oaxaca and Mexico violate their international human rights obligations. The cases below describe physical and legal attacks aimed at Oaxacan activists.

Physical Attack and Threats

- **Razhy González Rodríguez**

In an act reminiscent of Central American death squad activity, unidentified and armed men in civilian clothing abducted González Rodríguez, director of the recently-created Oaxacan weekly *Contrapunto*, at gunpoint at about 11:00 p.m. on 17 September 1996 in Oaxaca City. He and a companion were walking near the offices of *Contrapunto*, on Bustamante street, when a vehicle pulled up next to them. Two men emerged from a metallic-blue car with their faces masked. They pointed a firearm at González Rodríguez's head and frisked him before forcing him into their

[146]See ICCPR, arts. 19, 21, and 22; American Convention, arts. 13, 15, and 16.

vehicle. One of the gunmen waved his pistol at his companion before they sped away with their victim.[147] A motorcycle driven by a similarly-dressed man closely followed.[148]

Contrapunto, founded earlier in 1996, has been critical of governmental policy. Before founding the weekly, González Rodríguez had covered the EZLN as Chiapas correspondent for a Oaxacan newspaper. He and a few other journalists interviewed commanders of the EPR rebel group at a clandestine camp in Oaxaca only days prior to his abduction. State law enforcement denied any responsibility for the act, and police have opened an investigation.[149] And in a move offensive to press freedom, the governor reportedly ordered Oaxacan journalists to inform state authorities if they are contacted by guerrillas.[150]

González Rodríguez was released during the evening of September 19. According to press reports, González believed that he had been abducted by police, because of the interrogations he was forced to endure. His captors accused him of membership in the EPR, and interrogated him about EPR structure, location, and methods.[151] They also reportedly interrogated him about activities of various Oaxacan NGOs.[152]

- **César Guzmán Vargas**

César Guzmán Vargas died under mysterious circumstances on 23 April 1995. His lifeless body was found on the side of a road near his home town of Putla de Guerrero, in western Oaxaca, hours after he had left a party. State officials have reported, including during a meeting with MA-HA representatives in August 1995,[153] that a traffic accident produced his death. A group of Putla de Guerrero residents, led by family members of the deceased, has insisted that Guzmán Vargas, like his father Daniel Guzmán twenty years earlier, was murdered because his social activism offended local powerful individuals. Minnesota Advocates has learned from a reliable source,[154] however, that current evidence suggests that Guzmán Vargas was intentionally murdered, and that state police officials are involved.

Delay and irregularities pervade investigations into Guzmán Vargas' death. Though a special prosecutor had been assigned to the case, criminal investigations were turned over to the FEPAM

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[147]Press release (No. 1) issued by Oaxaca-based Mexican journalists, 18 Sept. 1996.

[148]Letter of the non-governmental, New-York based Committee to Protect Journalists to President Ernesto Zedillo, 18 Sept. 1996.

[149]Rosy Ramales and Octavo Vélez Ascencio, "Secuestraron a Razhy González," *Noticias* (Oaxacan daily), 19 Sept. 1996.

[150]Julia Preston, "Mexico's Wary Crackdown on Rebels," *New York Times*, 16 Oct. 1996.

[151]Víctor Ruiz Arrazola, "El periodista Razhy González, libre; policías, sus captores, afirma," *La Jornada*, 20 Sept. 1996.

[152]See paid advertisement of CAMPO, appearing in *Noticias*, 26 Sept. 1996.

[153]Interview in Oaxaca City with Attorney General Héctor Anuar Mafud Mafud and other PGJE representatives, 7 Aug. 1995.

[154]The source has asked to remain anonymous.

in September 1995. A delegation of Mexican and U.S. rights activists looked into the case during the same month. They concluded that "evidence was not preserved, standard forensic tests were not conducted, an autopsy was not performed before internment, important witnesses were not interviewed, and local police were allowed to conduct the investigation when their impartiality was already in question."[155] Now, more than one year later, no one has been prosecuted or detained.

- **Bishop Arturo Lona Reyes and the Tepeyac Human Rights Center**

On 29 June 1995 armed assailants opened fire on the vehicle driven by Bishop Arturo Lona Reyes,[156] between the communities of Lázaro Cárdenas and Santiago Ixtaltepec in Oaxaca state. Neither Bishop Lona Reyes nor two other passengers sustained serious injury. Bishop Lona Reyes has been an active supporter of human rights, particularly of members of Oaxaca's indigenous groups, for many years. He also was instrumental in creating the Tepeyac Human Rights Center in Tehuantepec, in southeastern Oaxaca. Prior to this attack, Bishop Lona reportedly received threats on six separate occasions because of his human rights work.[157]

Five individuals were apprehended after the attack. The Oaxaca state government categorizes the assault a case of simple common crime unrelated to the Bishop's work. In the days following the attack, however, Bishop Lona received two, and the Tepeyac Human Rights Center one, anonymous telephoned death threats in which the caller indicated the assault was a failed attempt on the Bishop's life.[158] It also seems likely that the attack was not a simple attempt at highway robbery because of the manner in which it occurred. The five youths arrested are residents of Lázaro Cárdenas, who likely knew of the Bishop's regular visits to that community, during which he would distribute needed supplies such as food and money. Bishop Lona's vehicle, also known in the region, was assaulted as he returned from Lázaro Cárdenas, after he had already dropped off community supplies.

More recently, a former PRI mayor of the town of Guevea de Humboldt, Heriberto Orozco Ramos, reportedly accused Bishop Lona and other religious workers of fomenting insurrection in the Isthmus region of Oaxaca. Orozco Ramos' declarations —which also accused the Indigenous *Campesino* Union of the Isthmus Region (*Unión Campesina Indígena de la Región del Istmo* or UCIRI), with which Bishop Lona has worked since 1982— appeared in state media outlets.[159]

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[155]Center for Human Rights and Constitutional Law and *Centro Binacional de Derechos Humanos, The Unsolved Killing of César Guzmán Vargas and the Oaxacan Justice System* (Los Angeles: Feb. 1996), p. 1. Investigators failed to follow the procedures outlined in the U.N. *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*, U.N. Doc. ST/CSDHA/12 (1991), developed for the United Nations with the assistance of Minnesota Advocates for Human Rights.

[156]Two other passengers —a nun and catechist— also were in the vehicle.

[157]Amnesty International, Urgent Action appeal No. 157/95, AI Index No. AMR 41/14/95, 4 Jul. 1995.

[158]The caller said to Bishop Lona, "asshole you survived this time, but I'm going to take charge of it the next." The threats against the Tepeyac Human Rights Center warned "asshole priest ... you [plural] are next." In each call, a woman telephoned and then allowed a man promptly to get on the telephone.

[159]PRODH, SIDIDH, 20 Jun. 1996 (citing the day's *La Jornada*, p. 14).

Bishop Lona has asked Orozco Ramos either to make public the facts on which he relies, or to retract his statements.[160] This type of accusation, paralleling attacks on the clergy in Chiapas,[161] is intended to intimidate human rights advocates into abandoning their work.

- **Mahatma Gandhi Regional Human Rights Commission**

Throughout 1995 and 1996, the Comisión Regional de Derechos Humanos "Mahatma Gandhi," a non-governmental rights group based in the city of Tuxtepec in northern Oaxaca, suffered a series of threatening phone calls and was the subject of false and inflammatory press articles. Its president, Graciela Zavaleta Sánchez, has been singled out for particularly harsh accusations, death threats and even physical assault.[162] Many of the accusations attempt to link the Commission to crime and corruption.

The Mahatma Gandhi Commission reports that on 11 August 1995 a group of persons assaulted Zavaleta Sánchez while she visited the municipal jail to investigate a case brought to the Commission's attention. One of her attackers was a photographer for *El Correo de Sotavento*. The mob threatened Zavaleta because she "defended delinquents" and prevented the police from acting freely. During the following month, on September 17, Commission member Lenin Yuri Baptiste intervened just before a different press photographer took a picture of a detained individual. Yuri Baptiste asked the detainee if he wanted his picture taken. The photographer snapped a picture of Yuri Baptiste. It appeared the next day in the local *Notices* newspaper with the caption "pseudo-defender of human rights impedes journalistic work."

At 8:30 p.m. on 13 March 1996, an anonymous caller telephoned Zavaleta Sánchez's home and threatened "if you don't understand the next time we'll see each other at the scene of events" before hanging up. The call arrived the day after Commission members had met with Oaxacan governor Diódoro Carrasco Altamirano and requested police protection. The governor denied their request. The Commission reports that such threatening calls routinely arrive at Commission offices.

- **Father Wilfrido Mayrén and the Bartolomé Carrasco Regional Human Rights Center**

Father Mayrén (known locally as Father Uvi), parish priest of Santo Domingo Teojomulco, has suffered threats and intimidations on and off since July 1994. Father Mayrén directs the Bartolomé Carrasco Regional Human Rights Center, the principal focus of which is to provide human rights training and education to residents of marginalized communities in Oaxaca's southern sierra. From July 1994 to July 1995, Father Mayrén was under significant scrutiny by state authorities who apparently believed him to be involved in subversive activities. As Father Mayrén traveled between

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[160]PRODH, SIDIDH, Jun. 24. 1996.

[161]Religious workers have been under siege in Chiapas since well before the EZLN rebellion commenced on 1 January 1994. More recently, members of the PRI-affiliated "Chinchulines" paramilitary group physically assaulted Jesuit priests active in human rights work in May 1996 in the town of Bachajón, Chiapas.

[162]See Mahatma Gandhi Regional Human Rights Commission, chronological summary of incidents that threaten and attempt to discredit the organization, 31 May 1996.

communities in his parish on 23 November 1994, soldiers stopped him at a military checkpoint and interrogated him at length.

Two weeks later, on December 5, soldiers entered the parish office and asked him where his training camps were and what high-powered weapons he maintained.[163] In a subsequent meeting with the Bishop of Oaxaca, the then state's Secretary General of Government (the number two executive branch position) informed Father Mayrén that the state possessed indicia —though not evidence— of the Father's subversive and/or criminal behavior. At about the same time, state newspapers were publishing negative statements made against Father Mayrén by José Morales López, a regional governmental delegate.[164]

Though such intimidatory tactics subsided for nearly a year, since 19 June 1996, Father Mayrén has received near-daily anonymous threats over the civil band radio used by church workers in his parish, continuing through September 1996.[165] Unidentified men have threatened that Father Mayrén's days are counted, and that a price has been put on his head.[166] In addition to Father Mayrén, Father Martín Octavio García Ortiz and Marta Rodríguez Rodríguez, a nineteen-year-old church layworker, both of whom also work with the Bartolomé Carrasco Center, have received similar threats.[167] A state criminal investigation has commenced, but, as Father Mayrén indicates, it shows no sign of advance.[168]

- **Mixteca Regional Human Rights Center**

Representatives of the Centro Regional de Derechos Humanos de la Mixteca displayed a resigned stoicism explaining to Minnesota Advocates intimidatory conduct aimed at them because of their human rights work. They, like many of their Mexican counterparts, seemingly consider threats a routine part of the job. Such courage does not reduce the threat of harm, however, just as it does not diminish the intent to silence. Lawyer Irma González Espinoza, a Center representative, had her house in Tlaxiaco shot at routinely during the month preceding our July 1996 visit to Oaxaca. An MP agent cautioned her colleague, attorney Maurilio Santiago Reyes, that González Espinoza should be careful because the state had opened criminal investigations against her. Strangers have come to the Center office to inquire about its activities.[169]

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[163]His answers —the church, and the bible and the Universal Declaration of Human Rights— apparently did not amuse his interrogators.

[164]Interview in Oaxaca City with Father Wilfrido Mayrén, 19 Jul. 1996: Interview in Oaxaca City with Father Wilfrido Mayrén, 15 Jul. 1996: Interview in Oaxaca City with representatives of Oaxaca's Human Rights Network, 19 Jul. 1996.

[165]Letter of Father Wilfrido Mayrén to Minnesota Advocates, 10 Sept. 1996.

[166]Interview in Oaxaca City with Father Wilfrido Mayrén, 19 Jul. 1996.

[167]Ibid; PRODH, SIDIDH, 9 Aug. 1996.

[168]Mayrén letter, 10 Sept. 1996.

[169]Interview in Oaxaca City with representatives of Oaxaca's Human Rights Network, 19 Jul. 1996.

- **MICHIZA**

MICHIZA, formed in 1985, is a community-organized group that works within Oaxaca's indigenous communities to develop agricultural programs focusing on traditional and organic production of foodstuffs. It also encourages individuals to participate in the discussion and development of social issues, and provides courses and workshops on human rights. MICHIZA encouraged participation in *Alianza Cívica*'s non-governmental efforts to monitor Mexico's 1994 elections.[170]

One of MICHIZA's associates, Guillermo Matías Solita, was murdered in the town of Santiago Jamoltepec, municipality of San Pedro Tututepec, on 26 July 1993. Both illegal drugs traffickers and local *caciques* disliked Matías Solita because of his attempts to organize community members against these two groups. As of August 1995, no arrest warrants had issued, nor had any serious investigations been initiated.[171]

- ***Organización Indígena de Derechos Humanos en Oaxaca* (OIDHO)**

OIDHO is a non-governmental organization dedicated to the promotion of human rights for indigenous individuals and communities in Oaxaca. OIDHO assists indigenous communities to organize to preserve their cultural and economic life.[172] It also educates indigenous community members about human rights issues.[173]

OIDHO members have suffered reprisal for their work in defense of human rights. Between May 1995 and July 1996, six of its members were murdered. René García Luis was killed on 31 March 1996 in Santiago Xanica. Celestino Cruz Cuevas, a member of his community's human rights committee, was killed on 14 January 1996 in Santiago Cuixtla. Mario Lorenzo Hernández was murdered on 24 December 1995 in Santa María Coixtepec. He also had been a member of his town's human rights committee. On 12 July 1995 armed assailants shot to death Juan Jacobo Aparicio and Nazario Ríos Mandarín, secretary and president respectively of their community's human rights committee, in El Vado, Unión y Progreso.[174] Authorities have not successfully investigated a single one of these cases.[175] Juan Jacobo Aparicio and Nacario Ríos Mandarín had together complained to

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[170]Interview in Oaxaca City with MICHIZA representatives, 9 Aug. 1995. *Alianza Cívica* is a leading Mexican non-governmental organization that promotes open and transparent government and democratic processes and institutions.

[171]*Ibid.*

[172]Interview in Oaxaca City with Alejandro Cruz López of OIDHO, 10 Aug. 1995.

[173]Interview in Oaxaca City with Alejandro Cruz López of OIDHO, 17 Jul. 1996.

[174]List prepared by OIDHO for Minnesota Advocates, 17 Jul. 1996; Letter of OIDHO to Amnesty International, 7 Mar. 1996.

[175]Interview in Oaxaca City with Alejandro Cruz López of OIDHO, 17 Jul. 1996.

the CEDH about the lack of investigation into the 1994 murders of Rafael Rodríguez Gómez and other Unión y Progreso residents.[176]

OIDHO representative Honorato Zárate Vásquez, of Cerro del Aire community (formerly part of Santa Lucía Tectepec, some 30 kilometers NNW of Puerto Escondido) died under suspicious circumstances on 3 May 1995. A mixed contingent of Mexican army personnel and Federal Judicial Police entered Cerro del Aire on 25 April 1995, apparently searching for presumed guerrillas and weapons caches. Local *caciques* were reported to have identified community leaders to the troops. The soldiers and police reportedly raided houses and, finding no arms, destroyed tools being used by community residents involved in an organic farming project. Though his death was officially labeled a suicide, Zárate Vásquez died only hours after denouncing the raid to local authorities.[177]

- **UCIZONI**

The Union of Indigenous Communities of the Isthmus' Northern Zone (*Unión de Comunidades Indígenas de la Zona Norte del Istmo* or UCIZONI) is a non-governmental organization that promotes indigenous rights and culture, and provides social and legal services to indigenous communities.[178] As a result of its work on behalf of indigenous communities, UCIZONI's objectives have often conflicted with the interests of large landholders and *caciques*, and state agents operating at their behest, in northeastern Oaxaca. In 1989, when recent conflict began to flare, the Mexican military killed Cristóforo José Pedro and tortured Gregorio Castañón. Soldiers raided UCIZONI offices that same year.[179]

More recently illegal drug traffickers in the region have targeted UCIZONI. Approximately forty UCIZONI members now act as municipal authorities in the Isthmus region. UCIZONI protested the August 1994 invasion of nearly 3500 acres of land by a "narco" (Mexicans' word for individuals involved in the illegal drug trade) and his band in Arroyo Tejón, near Santiago Tutla. Unidentified individuals shot at UCIZONI offices in December 1994, and UCIZONI's October 1995 requests for a police presence in San Antonio Tutla went unanswered.[180]

On 22 November 1995, UCIZONI member Blas Santos Vásquez was killed. His death came three days after an agrarian tribunal decision favorable to UCIZONI.[181]

On 30 November 1995, at about 9:00 p.m., a group of approximately five men dressed in black attacked and murdered UCIZONI member Armando Agustín Bonifacio as he was returning to San

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[176]Letter of Héctor Anuar Mafud Mafud, state attorney general, to Jaime Mario Pérez Jiménez of the CEDH, 9 Jun. 1995.

[177]Memorial, 10 Aug. 1995, p. 9; Interview in Oaxaca City with Melchor Morelo, municipal agent of Cerro del Aire, 10 Aug. 1995.

[178]Interview in Matías Romero with Miguel Guadalupe Osorio González, 30 Aug. 1994.

[179]Interview in Matías Romero with Carlos Beas Torres of UCIZONI, 14 Jul. 1996.

[180]*Ibid.*

[181]*Ibid.*

Antonio Tutla from Tierra Nueva, in the Bajo Mixe region of Oaxaca. His attackers shot Agustín Bonifacio in the head, and finished him off by beating him about the head with rocks.

Earlier in the day he had gone to the Public Ministry in María Lombardo in his capacity as Auxiliary Secretary of Community Goods of San Antonio Tutla. Agustín Bonifacio headed UCIZONI's Forests Commission, had for a long time defended the rights of members of indigenous groups living in the Bajo Mixe region. Agustín Bonifacio also participated locally in the non-governmental Alianza Cívica (Civic Alliance), for which he had monitored elections in 1994. The attack followed years of reported threats against him.[182] Agustín Bonifacio's murder appears linked to tensions between residents of San Antonio Tutla and Santiago Tutla, which involve land issues in which illegal drug cultivation, timber exploitation and *caciquismo* play important roles.[183]

On 13 December 1995, UCIZONI and the Center for Justice and International Law (CEJIL) —an NGO based in Washington, D.C.— submitted a request to the Inter-American Commission on Human Rights (IACHR) that precautionary measures be taken to protect leaders and members of UCIZONI.[184] The request was based on the series of threats and attacks suffered by UCIZONI members,[185] culminating in Agustín Bonifacio's murder. The IACHR responded favorably to the request, and asked the Mexican government to adopt such measures. Mexico virtually ignored the request at first, responding simply by forwarding it to the Oaxaca state government.

In a subsequent reply to the IACHR, Mexico reported incorrectly that a penal complaint had been lodged against Carlos Beas Torres, UCIZONI's leader. Beas Torres believes that such reporting was a blatant attempt to discredit him and his work.[186] UCIZONI sought and received from the local Public Ministry (*Ministerio Público* or MP) agent a document which indicated that no one had filed such a complaint. After producing the document, the MP agent was removed from his post. When

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[182]PRODH, SIDIDH, 6 Dec. 1995, citing *La Jornada* newspaper. UCIZONI reports that Agustín Bonifacio's work in the early 1980s to stop the exploitation (of cedar) on lands held communally by residents of San Antonio Tutla offended local *caciques*, and resulted in time in jail. According to UCIZONI, *caciques* conspired with judicial authorities to remove Agustín Bonifacio from the scene, and had him convicted on trumped-up murder charges, for which he served two years in jail.

[183]See Rosa Rojas, "San Antonio, Oaxaca: 23 años de acoso caciquil," *La Jornada*, 3 Feb. 1996.

[184]Article 29.2 of the IACHR Regulations provides that "[i]n urgent cases, when it becomes necessary to avoid irreparable damage to persons, the Commission may request that provisional measures be taken to avoid irreparable damage in cases where the denounced facts are true. Regulations of the Inter-American Commission on Human Rights, approved by the Commission at its 660th Meeting, 49th Session, held on 8 April 1980, and modified at its 64th Session, 840th Meeting, held on 7 March 1985, at its 70th Session, 938th Meeting, held on 29 June 1987, and at its 90 Session, 1282 Meeting, held on 21 September 1995, URL: www.oas.org/en/prog/pg117-47.htm (25 Mar. 1996).

[185]In 1994 the army searched UCIZONI's office without a warrant. Unknown assailants also shot at the office, and at the home of its legal director, Carlos Beas. See Lawyers Committee for Human Rights, *Critique: Review of the U.S. Department of State's Country Reports for Human Rights Practices for 1994* (New York: 1995), p. 156.

[186]Interview in Matías Romero with Carlos Beas Torres of UCIZONI, 14 Jul. 1996.

confronted with the issue before the IACHR, the Mexican government responded in March 1996 that the Oaxacan MP office had provided the federal government with incorrect information.[187] UCIZONI considered other state protective measures taken —the temporary dispatching of preventive police to San Antonio Tutla— insufficient. UCIZONI insisted that the protective measures should include the arrest and prosecution of those persons responsible for Agustín Bonifacio's death and the disarming of armed groups in the region.[188]

On 24 May 1996, Mateo Teodoro Francisco, an individual Mexico's military considers a deserter, was arrested for his apparent participation in the murder of Agustín Bonifacio. The criminal investigation has been taken up by Oaxaca's FEPAM (see above), not because Agustín Bonifacio was a teacher, but because UCIZONI requested FEPAM's involvement.[189]

In March 1996, the Lawyers Committee for Human Rights, a New York-based non-governmental human rights organization, awarded UCIZONI its Roger Baldwin medal of liberty because of UCIZONI's human rights work on behalf of indigenous persons in the region. Despite the international attention to its work, however, members of UCIZONI still face grave danger. According to Beas Torres, at least four other UCIZONI members have received death threats. They are: Fidencio Javier Madrigal, UCIZONI leader from Rancho Juárez; Alfonso Gervasio Manuel, indigenous teacher and UCIZONI member in San Antonio Tutla; Lorenzo Crisanto Gómez, former UCIZONI president from San Juan Guichicovi; and Remigio Ortiz Núñez, an UCIZONI member in Loma Santa Cruz.[190]

Oaxaca's NGO Law

In November 1995 the Oaxacan state legislature passed the Law Regarding State Assistance, Human Promotion, and Social Development Institutions.[191] The law permits significant state governmental intervention in the affairs of non-governmental institutions, including presumably human rights groups.[192] The NGO Law contemplates the composition of a nine-member Panel (*Junta*) for the "care" of non-governmental organizations.[193] The Panel oversees the operations of

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[187]*Ibid.*

[188]Rosa Rojas, "Piden castigo para los asesinos de un dirigente de la Ucizoni," *La Jornada*, 16 Jan. 1996.

[189]Interview in Matías Romero with Carlos Beas Torres of UCIZONI, 14 Jul. 1996. UCIZONI requested that FEPAM take up the case, even though Agustín Bonifacio was not a teacher, because FEPAM possesses a better record than the PGJE at resolving presumably politically-motivated crimes. SNTE Section 22 approved FEPAM participation.

[190]*Ibid.*

[191]*Ley de Instituciones de Asistencia, Promoción Humana y Desarrollo Social Privadas del Estado de Oaxaca*, published in the *Diario Oficial*, Vol. LXXVII, No. 44, 4 Nov. 1995 [Oaxaca NGO Law].

[192]The law defines "human promotion" institutions as those not-for-profit groups whose goal is human advancement (*superación del hombre*) notwithstanding economic or social condition; "social development" groups are those non-profits that strive for the improvement of communities through solidarity (Art. 1).

[193]"La Junta para el Cuidado de las Instituciones de Asistencia Privada, Promoción Humana y de Desarrollo Social Privadas" (Art. 8).

groups not necessarily affiliated to, or working with, the public sector. The Panel's president, one of three members named by the state government, is appointed by the state governor (Art. 10).[194] The Panel possesses the nearly unfettered ability to intrude in the affairs of non-governmental organizations. It may "authorize the creation, modification or extinction" of NGOs (Art. 19, § II). Panel representatives may, with "complete liberty" (*entera libertad*), carry out on-site visits and inspections of NGOs, during which they can have access to all organizational "sites, books and papers," and can ask NGO staff and representatives for "any information necessary" to carry out such investigations (Art. 24). Such investigations may result whenever the Panel, the Panel president or the Panel's Executive Delegate so orders (Art. 23).

Charitable and conditional financial grants must receive prior approval from the Panel (Art. 58). Other donations must be reported to the Panel during regular required accountings (Art. 58). No more than 25% of an NGO's budget may go towards administration (Art. 73). In addition to these requirements, the Panel levies 0.6% of NGOs' gross income to pay for Panel operations, to be paid on a monthly basis. Under this article, if an NGO receives funding from a foundation, a portion of the grant essentially must be transferred automatically to the state.

The Law prohibits the participation of certain individuals —such as persons over 75 years of age— on boards of directors (Art. 68). If a private institution intends to change its mandate, it must first get Panel approval (Art. 89). The Panel approves NGO bylaws, or creates them in their absence (Art. 18). As an NGO operates, it must provide periodic reports to the Panel regarding prospective budgets and action plans (Art. 72). NGOs also must report to the Panel, on a monthly basis, regarding judicial proceedings in which it is taking part (Art. 29). The Panel may, on its own without court order, mandate the termination (*extinción*) of a private institution (Art. 92).[195]

Oaxaca's NGO community opposes the law.[196] Twenty-five groups, led by the Center for Assistance to the Oaxacan Popular Movement (*Centro de Apoyo al Movimiento Popular Oaxaqueño* or CAMPO) together filed an *amparo* petition before Mexico's federal courts in December 1995, challenging the law's constitutionality. The court rejected the petition.[197] That decision was appealed to Mexico's Supreme Court in February 1996. As of early October 1996, the Supreme Court had yet to issue its resolution.

Oaxaca-based NGOs also have initiated action before the Organization of American States' Inter-American Commission on Human Rights in Washington, D.C., to have that organ declare the Law

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[194]The six remaining members are named by the private institutions to which the law applies (Art. 9).

[195] The International Center for Not-for-Profit Law, a Washington-based NGO that focuses on the development of NGO laws worldwide, finds that the Panel's powers constitute "an unnecessary intervention in the internal affairs" of Oaxaca's NGOs. Lisa Bhansali, Comentarios sobre la Ley de Instituciones de Asistencia, Promoción Humana y Desarrollo Social Privadas del Estado de Oaxaca (Decreto Num. 312) (ICNL, Washington, D.C.: Aug. 1996), p. 16.

[196]See Comisión de Información del Foro de Organismos Civiles de Oaxaca, "Ley Oaxaca" (mimeograph), Apr. 16. 1996.

[197]*Ibid.*

in violation of Inter-American human rights guarantees. Oaxacan NGOs also are pressuring the Oaxacan legislature to rescind the law. The government apparently has expressed interest in modifying the law, in part because of pressure from institutions funding NGO projects.[198]

The vague and sweeping NGO Law is deeply offensive to non-governmental institutions, and contrary to the freedom of association guaranteed in Oaxaca's Constitution (Art. 19), Mexico's Constitution (Art. 9), the American Declaration of Human Rights (Art. 16), and the International Covenant on Civil and Political Rights (Art. 22). As described above, the Law, drafted by the head of the state legislature's human rights committee,[199] permits state intervention in the affairs of NGOs to an Orwellian degree. NGO-regulating laws arguably are needed to protect society from individuals or groups who would scheme criminally to take advantage of or defraud others. Although ostensibly promulgated for legitimate purposes, Minnesota Advocates and Heartland Alliance fear that Oaxaca's NGO Law is merely an attempt to exert considerable state control over private organizational activity, especially the activity of those groups advocating human rights.[200]

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[198]Interview in Oaxaca City with Eduardo Torres of the Support Center for Oaxaca's Popular Movement (Centro de Apoyo al Movimiento Popular Oaxaqueño or CAMPO), 17 Jul. 1996.

[199]Interview in Oaxaca City with Elena Castañón of the Support Center for Street Children (Centro de Apoyo al Niño de la Calle or CANICA), 17 Jul. 1996.

[200]One federal governmental office reviewed the NGO Law and opined that "it is an over-regulatory law that inhibits the development of the philanthropic sector because it submits civil organizations to the exclusive control of a local Panel that is subordinate to the state governor" and that "it would be harmful for [the development of such laws] to be repeated in other Mexican states." (untitled mimeograph, dated 21 Jun. 1996, on file with Minnesota Advocates).

STATE RESPONSE TO HUMAN RIGHTS VIOLATIONS

State Human Rights Commission (CEDH)

CEDH background

In January 1993 Oaxaca's state legislature approved executive decrees 88 and 89, thereby creating the State Human Rights Commission (*Comisión Estatal de Derechos Humanos de Oaxaca* or CEDH). Decree 88 charges the CEDH with "receiving complaints regarding acts or omissions of an administrative nature committed by any state public authority or servant" that violate human rights as defined by Mexican law. At the same time, the decree states that the CEDH will issue to the relevant authorities "non-binding public and autonomous recommendations."

The CEDH's inception followed constitutional reforms in 1992 that significantly curtailed the jurisdiction of Mexico's National Human Rights Commission *(Comisión Nacional de Derechos Humanos* or CNDH).[201] As a result of those reforms, except in extraordinary circumstances the CNDH no longer investigates human rights violations allegedly committed by agents of Mexico's thirty-one states and Federal District. Such violations are now investigated by, and relevant non-binding recommendations may issue from, each state's (and the Federal District's) own human rights commission.[202] As with the CNDH, CEDHs have no authority to *compel* governmental action. Their authority is moral alone; their recommendations are implemented only voluntarily.

CEDHs throughout Mexico possess varying degrees of ability to affect human rights observance in their states of operation. While the CNDH can generate significant national media attention to the cases it publicizes, the CEDHs, with few exceptions, are unable to provoke such interest. CEDHs also must contend with state media outlets, which often maintain cozy relations with local power structures.[203] The limited capability to expose publicly human rights violations severely handicaps the CEDHs' ability to defend human rights. Public opinion is the principal weapon they employ. The lack of publicity seriously curtails the ability to shape public views.

Even if the Oaxacan CEDH could generate public interest in its case reports, it has limited its own ability to rally the public against human rights violations. The Oaxacan CEDH has opted to

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[201]See Constitución Política de los Estados Unidos Mexicanos [Mexican Constitution], Art. 102.

[202]Like the CNDH, state human rights commissions have no authority to investigate electoral and labor matters.

[203]Of course independent newsgatherers and providers do work at the state level, often at great personal risk. See, for example, the case of Razhy González, described above, as well as that of journalist Víctor Manuel Oropeza, murdered in Chihuahua state in July 1991. Minnesota Advocates described investigations into his murder in *The Homicide of Victor Manuel Oropeza Contreras: A Case Study of Failed Human Rights Reforms in Mexico* (Minneapolis: Dec. 1991).

Oaxacan journalists have complained publicly about governmental interference and surveillance. See undated open letter to Emilio Chuayffet Chemor, Mexico's Secretary of the Interior (Secretario de Gobernación), Antonio Lozano Gracia, Mexico's Attorney General and Diódoro Carrasco Altamirano, Oaxaca's Governor, presented at the 10 Aug. 1996 Second Forum on Repression, Impunity and Human Rights in Oaxaca City (on file with Minnesota Advocates).

release publicly numerous recommendations together, rather than one at a time.[204] If publicity is a CEDH goal, purposely under-utilizing media attention makes little sense, particularly as the CEDH makes public an average of only seventeen recommendations per year.

Another hindrance is financial. CEDHs do not possess the financial or staff resources enjoyed by the CNDH. Budgetary allocations to the CEDHs vary in the states. While the CEDH in Oaxaca undoubtedly controls a much greater budget than most of its NGO counterparts, it arguably is insufficient to staff and equip a human rights commission that can adequately contend with the frequency of human rights abuse in Oaxaca.

Compounding these problems is the CEDHs' lack of complete autonomy. Though presented as autonomous institutions, they still rely on states for funding. To be shielded from Mexico's tradition of executive branch hegemony over political affairs, the CEDHs (like the CNDH) by design report to their respective legislatures. In practice, however, few state legislatures exert much power in comparison to the governor.

Oaxacan CEDH activities

We harbor some doubt that Oaxaca's CEDH is truly independent from the executive branch. According to the CEDH's organic law, the state governor nominates three candidates to serve as CEDH President, of whom the state legislature will appoint one.[205] CEDH President José Luis Acevedo Gómez informed MA-HA representatives that he had been appointed after Oaxaca's governor called and insisted that he take on the role.[206] Regardless of whether three candidates were in fact presented to the state legislature, it seemed clear from Mr. Acevedo Gómez that there was no doubt at the time that the legislature would name him CEDH president.

A few Mexican CEDHs have earned praise for seriousness and effort.[207] Oaxaca's is not among their ranks. Oaxacan NGOs perceive Oaxaca's CEDH as less than serious, and of having had at best a very limited impact on human rights in the state.[208] The CEDH may be well-intentioned. It lacks teeth, however, and state officials routinely disregard CEDH recommendations.[209]

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[204]Interview in Oaxaca City with Víctor Ruiz, *La Jornada* correspondent, 17 Jul. 1996.

[205]*Ley de la Comisión de Derechos Humanos del Estado Libre y Soberano de Oaxaca*, reprinted in Comisión Estatal de Derechos Humanos de Oaxaca (Oaxaca City: Jan. 1995) [Oaxaca CEDH Law], Art. 10.

[206]Interview in Oaxaca City with Dr. José Luis Acevedo Gómez, CEDH President, 10 Aug. 1995.

[207]See José Luis Pérez Canchola, *Los Organismos públicos estatales de protección de los derechos humanos 1990-1995* (mimeograph study prepared for the Academia Mexicana de Derechos Humanos) (Mexico City: Aug. 1995).

[208]In August 1995 CEDH staff comprised thirty-three individuals, including five investigators. CEDH President Acevedo Gómez complained that the CEDH lacked sufficient resources to adequately investigate allegations of rights abuses throughout Oaxaca. Interview in Oaxaca City with Dr. José Luis Acevedo Gómez, CEDH President, 10 Aug. 1995.

[209]Recommendations of all of Mexico's governmental human rights commissions are non-obligatory. CEDH President Acevedo Gómez, when asked what his greatest achievement at the CEDH was, indicated that state officials had been "kind enough" to accept "some of [his] recommendations." It is worth noting

Review of the CEDH's own statistics bear this out. In information provided to Minnesota Advocates, the CEDH indicated that as of 20 June 1996 it had issued a total of fifty-six recommendations (see table below). Of those, only fourteen (25%) had been "accepted" by the relevant authorities and "fully complied" with. As a result of its recommendations, the CEDH reported in January 1996 that three state agents (a judge, an MP agent, and a primary school teacher) received sanctions, with the stiffest penalty being thirty days suspension, and that one municipal police officer was subject to criminal prosecution.[210] It reported in June 1996 that as a result of three years' worth of CEDH recommendations, criminal investigations had begun against four police (none PJE) or MP agents. Prosecutions had commenced in the same time period against only one police officer (a Salina Cruz Municipal Police inspector) because of CEDH recommendations, it reported.[211]

CEDH Recommendations[212] through 20 June 1996[213]

Recommendation Status	Number	Recommendations (year: recommendation number(s))
Not accepted	7	1994: 16 1995: 6, 7, 8, 13, 16, 17
Accepted, evidence of full compliance	14	1993: 2, 3, 5 1994: 1, 5, 6, 7, 9 1995: 2, 3, 5, 9, 14, 18
Accepted, evidence of partial compliance	17	1993: 1, 4 1994: 2, 3, 4, 8, 10 1995: 1, 4, 6, 7, 8, 10, 11, 12, 15, 16[214]
Accepted, no evidence of compliance	1	1994: 15

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that many law enforcement officials and court personnel had previously been law students of Dr. Acevedo Gómez. Interview in Oaxaca City with Dr. José Luis Acevedo Gómez, CEDH President, 10 Aug. 1995.

[210]Comisión Estatal de Derechos Humanos de Oaxaca, "Estado que guardan las recomendaciones emitidas por la Comisión Estatal de Derechos Humanos Junio de 1993 a la fecha," (Oaxaca City: 3 Jan. 1996) [CEDH, "Estado que guardan"].

[211]CEDH Third Annual Report, pp. 80-88.

[212]Recommendations are sequentially numbered, and carry the year in which they are released. The first CEDH recommendation is number 1/93, and the last discussed here is 11/96. As of 20 June 1996 the CEDH had issued fifty numbered recommendations. Various recommendations, however, have been directed to two separate state authorities which, as indicated in the table, accepted or not the CEDH recommendation.

[213]Adapted from CEDH, "Estado que guardan" and CEDH Third Annual Report.

[214]The CEDH notes in its Third Annual Report, p. 80, that, on the one hand, this recommendation has not been accepted by one authority and, on the other, that it requires special compliance.

Recommendation Status	Number	Recommendations (year: recommendation number(s))
Pending response	13[215]	1996: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
Accepted, special compliance required	4	1994: 11, 12, 13, 14
Total	**56**	

The type of recommendations accepted and fully complied with reflects, however, the limited degree to which the CEDH is able to confront human rights violations such as murder, torture, arbitrary detention, and the consistent failure to enforce the law in Oaxaca.[216] In general, those recommendations complied with involve matters that, though serious, do not constitute grave human rights violations. The CEDH reports that the following recommendations are among those fully implemented:

- Recommendation 2/93 involved the case of a jailed deafmute whom the CEDH determined should be placed in a special institution. He was.
- In Recommendation 3/93, the CEDH suggested that four children be allowed to enroll in a primary school in San Juan Cacahuatepec, Jamiltepec. They were.
- In Recommendation 5/94 the CEDH proposed administrative and penal investigations of Benjamín Moreno López for his presumed role in the incommunicado detention of, and other crimes committed against, an individual during Moreno López's tenure as director of the jail facility in Tuxtepec. Though officials accepted and fully complied with the recommendation, the CEDH reported that the result of such compliance was only the commencement of criminal investigation, as evidenced by a 21 September 1994 writing provided by the state prisons director. It should be noted that the role of the state prisons director is neither to order nor conduct criminal investigations. It is unclear whether Moreno López has ever been prosecuted.
- Recommendation 7/94 concerned itself with the failure of a judge timely to issue an arrest warrant against an individual accused of attempted rape. Judge Teodomira Vásquez López was suspended for thirty days for her omission; the court's judicial secretary, Isidro Javier Olivera Aguilar, received a sixty-day suspension. The CEDH did not indicate whether the accused was ordered arrested or whether he was ever detained.
- In Recommendation 5/95, the CEDH suggested that three judges, Adolfo Alberto Pérez Aquino, Enrique Espinoza Medina, and Salomón Germán Morales Díaz, be investigated for their

[215]This total reflects recommendations 9/96 and 11/96 having been sent to two authorities each.

[216]Except where indicated otherwise, the following summaries come from Visitaduría General de la Comisión Estatal de Derechos Humanos de Oaxaca, "Síntesis y seguimiento de las recomendaciones dirigidas a diversas autoridades del estado de Oaxaca en el período junio 1993-junio 1994; junio 1994/diciembre 1995," (Oaxaca City: Dec. 1995) [CEDH summary, Dec. 1995].

responsibility in failing to sentence a man convicted of theft. None of the three was investigated because, as the state supreme court informed the CEDH, they no longer work in the judicial branch. Another court official, Sergio Díaz Sosa, was suspended from his post for thirty days in the case.

- According to the CEDH, authorities also accepted and implemented fully recommendation 14/95. In that case, the CEDH cited fifth grade teacher María de Lourdes Sánchez Vásquez for authorizing and permitting thirteen students to strike a fellow student with a ruler as punishment for a disciplinary infraction. The teacher was temporarily suspended, lost the equivalent of three-days' worth of pay, and record of the incident was made in her employment file.

- The CEDH reported that recommendation 18/95 also had been carried out. The CEDH called for the capture and re-imprisonment of a man sentenced for murder who had been granted early release (see definition below). Family members of the murder victim had complained to the CEDH that the convict had not provided the family money damages as required by law. The CEDH reported in June 1996 that the man was recaptured and put back in jail, and that the public agents responsible for his pre-release were being investigated administratively.[217]

The above cases indicate how little is required to produce "full compliance" with a CEDH recommendation. The mere initiation of investigations, penal or administrative, may be enough. Not all recommendations receive even that little attention from state officials, however. Six recommendations had been rejected as of June 1996. These include cases of:

- a municipality's terminating individuals' access to communal potable water (and communal goods) (No. 16/94, not accepted by the municipal president of San Pablo Yaganiza, Villa Alta; No. 2/95, not accepted by the municipal president of San Antonio Nanahuatipam, Teotitlán de Flores Magón);

- failure to initiate criminal investigations against Municipal Police Inspector José Luis Corona Hernández of Salina Cruz, accused of raping a girl (No. 6/95, recommendation to administratively investigate the inspector not accepted by the Salina Cruz Municipal President)[218];

- violent interruption by preventive police of a peaceful protest in front of the state legislature, during which more than forty persons were injured (No. 7/95, not accepted by Ernesto Miranda, director of state preventive police forces (*Secretario de Protección Ciudadana Estatal*).[219] Miranda indicated to MA-HA representatives that he did not accept the recommendation to

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[217]CEDH Third Annual Report, pp 23-25.

[218]The Attorney General's Office is reported as accepting the recommendation to investigate its agents who presumably failed to enforce the law, the compliance is indicated as "partial."

[219]The Attorney General accepted its portion of the recommendation —to investigate criminally those responsible for injuring the protestors. Evidence of compliance, however, was partial, according to the CEDH.

investigate internally his subordinates, accused of using excessive force to disrupt the peaceful demonstration regarding a land dispute, out of "principle";[220]

- threats against a woman to turn over her land to communal use (No. 13/95, not accepted by municipal president of Teotitlán de Flores Magón); and
- illegal transfer of a prisoner from one penal facility to another (No. 17/95, not accepted by the Secretario de Protección Ciudadana[221])

CEDH President Acevedo Gómez indicated to MA-HA representatives, somewhat uncomfortably, that state officials do not comply with CEDH recommendations for "political" reasons.[222] Most recommendations not respected, according to him, involve the failure of PJE and MP agents to execute arrest warrants, a serious problem recognized by both the governmental and non-governmental communities.

Also telling is the status of those recommendations accepted and partially carried out, or accepted and for which special compliance is required. The majority of recommendations, according to CEDH statistics, fall into these categories.[223]

The category names mislead, however, as they tend to suggest that something is actually being done, that substantial efforts are being made to resolve the cases. These recommendations cover a number of different types of human rights violations, such as torture, arbitrary detention, failure to enforce the law, and substandard prison conditions. In few cases does the CEDH indicate that officials have done any more than accept the recommendation on its face and initiate investigations. The status of investigations is rarely explained. For example, Recommendation 4/95 involves the murder of Eleazar Blas Ortega Pachecho thirteen years ago. An arrest warrant was issued in February 1983 against the accused, Luis Mayrén Sánchez, but never carried out. The CEDH recommended to the Attorney General in February 1995 that the arrest warrant be executed, and that those PJE agents responsible for the delay be investigated administratively. The Attorney General accepted the recommendation, and administrative investigations apparently have begun. As of January 1996, however, there was no indication that the accused was detained or that any PJE officers had been sanctioned for their failure to execute the warrant.[224]

The record of the CEDH in Oaxaca suggests little more than that the institution was created to comply with the barest requirements of the Mexican constitutional modifications of 1992. It is

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[220]Interview in Oaxaca City with Ernesto Miranda, Secretario de Protección Ciudadana, 8 Aug. 1995. Mexico's National Human Rights Commission issued its own recommendation, calling for essentially the same investigations, on 1 March 1996. Comisión Nacional de Derechos Humanos, Recommendation No. 15/96 of 1 Mar. 1996, reprinted in Gaceta No. 68 (Mexico City: Mar. 1996), pp. 132-145 [CNDH Rec. No. 15/96], pp. 132-45.

[221]Sec. Ernesto Miranda, as described above, also rejected recommendation no. 7/95.

[222]Interview in Oaxaca City with Dr. José Luis Acevedo Gómez, CEDH President, 10 Aug. 1995.

[223]CEDH summary, Dec. 1995.

[224]*Ibid.*

viewed by the non-governmental community as ineffective at best, and has had little positive impact on the observance of human rights in the state. It is not, however, the only state agency that deals with allegations of human rights violations. The state attorney general's office, for example, has created its own department to deal with such allegations.

State Attorney General's Office Human Rights Department

As in Mexico's Federal District, and at the national level, Oaxaca's Attorney General's Office (*Procuraduría General de Justicia del Estado* or PGJE) created in May 1993 a special department to deal with human rights complaints involving its own agents. Creating such an office is not a bad idea. Special emphasis must be placed on the requirements international human rights norms place on state agents. Special steps must also be taken to train personnel and investigate and prosecute past abuses, to redress past violations, and prevent future transgressions.

The PGJE human rights department serves as the chief liaison between the state (CEDH) and national (CNDH) human rights commissions and the PGJE. It also takes individual complaints from citizens who approach it to denounce alleged human rights violations.[225] It also is theoretically indispensable in initiating administrative and criminal processes against suspected human rights violators.[226]

The departments' director, Gloria del Carmen Camacho Meza, reported to MA-HA representatives in August 1995 that the office received a monthly average of twenty-two complaints.[227] In July 1996, the figure stood at more than thirty complaints per month, according to statistics provided to Minnesota Advocates upon request.[228] Camacho Meza informed Minnesota Advocates in July that although statistics had not improved in the prior year, she believed that attitudes among law enforcement had advanced. She attributed this progress to new recruits and the human rights training they receive.[229] Though some human rights education is better than none, Camacho Meza indicated that PJE agents in training attend only twenty hours of rights education,

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[225]PGJE of Oaxaca, *Procuración* (official bulletin), Yr. 1, No. 1, (Oaxaca City: Aug. 1995), p. 4.

[226]According to Camacho Meza, in July 1996 the PGJE was implementing (apparently for the first time) an internal affairs division which, according to Attorney General Martínez Ortiz, presumably would handle administrative investigations and sanctions. Interview in Oaxaca City with PGJE human rights department director Gloria del Carmen Camacho Meza, 19 Jul. 1996: Interview in Oaxaca City with Attorney General Roberto Pedro Martínez Ortiz, 19 Jul. 1996.

[227]Interview in Oaxaca City with Gloria del Carmen Camacho Meza, PGJE human rights department director, and Abraham Altamirano Magno, director of the PGJE human rights department's Complaints and Recommendations division, 9 Aug. 1995.

[228]Statistics provided by the PGJE human rights department to Minnesota Advocates, 18 Jul. 1996 [PGJE statistics, 18 Jul. 1996]. As of July 18, 1996, the human rights department had by its count received 160 complaints from the CEDH, ten from the CNDH, and another thirty-eight from individuals.

[229]Interview in Oaxaca City with PGJE human rights department director Gloria del Carmen Camacho Meza, 19 Jul. 1996.

two of which is dedicated to international norms. She told Minnesota Advocates that time constraints and special circumstances, however, may not permit even this amount of instruction.[230]

Though careful not to criticize the two immediate past Attorneys General, Camacho Meza indicated that the new Attorney General has an improved disposition to correcting abusive practices. In February 1996, Roberto Pedro Martínez Ortiz, former chief justice of the Oaxacan Supreme Court, became Oaxaca's Attorney General. As a result, the PGJE human rights department no longer handles certain cases of interest to the Attorney General, according to Camacho Meza.[231] Rather, they wind up at the desk of an assistant to the Attorney General, José Izcoatl Bautista Bello. Despite Bautista Bello's assurances,[232] it remains unclear to Minnesota Advocates which cases he handles, and why they are not forwarded to the human rights department. It seems likely that the cases remain at the PGJE central office either because the Attorney General intends to have them resolved expediently (which is what the Attorney General implied to Minnesota Advocates in July 1996[233]), or because they are too sensitive to leave the PGJE central office. In either case, this diversion from the human rights department prevents it from being an effective body.

Attorney General Martínez Ortiz expressed to Minnesota Advocates seemingly genuine concern about human rights observation in the state. He stressed his legal and depoliticized approach to running the PGJE. Much as his predecessor Héctor Anuar Mafud Mafud[234] expressed to MA-HA representatives in August 1995, Martínez Ortiz indicated to Minnesota Advocates that virtually all state human rights problems had been eradicated.[235]

The situation in the state fails to justify such optimism. According to the PGJE's human rights department, most complaints involve unreasonable delays in investigating crime (35.5%),[236]

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[230]*Ibid.*

[231]*Ibid.*

[232]See Letter of José Izcoatl Bautista Bello, assistant to the Attorney General, to Minnesota Advocates, Aug. 22, 1996.

[233]Interview in Oaxaca City with Attorney General Roberto Pedro Martínez Ortiz, 19 Jul. 1996.

[234]Mafud Mafud left the Attorney General post to become the state's number two executive.

[235]Interview in Oaxaca City with Attorney General Roberto Pedro Martínez Ortiz, 19 Jul. 1996. He said, among other things, that torture is definitively not a problem in the state any more, and that state agents no longer arbitrarily detain individuals.

[236]Criminal investigations begin in Mexico with the opening of an *averiguación previa* by the MP and its PJE investigators. The failure to carry out this first step in investigating criminal acts (whether violative of human rights or not) adequately has significantly contributed to the degree of lawlessness in the state. Maribel Mendoza, the official in charge of the PGJE's *averiguación previa* division in July 1996, told Minnesota Advocates that when she had arrived at the post (a month and a half before our meeting), she found her office in a state of thorough disorganization. Interview in Oaxaca City with Deputy Attorney General Maribel Mendoza, 19 Jul. 1996. When asked whether criminal action were being taken against MP agents responsible for lengthy delays in completing *averiguaciones previas*, Mendoza offered only that the *averiguaciones previas* were being reviewed.

"excesses during arbitrary detentions"[237] (32.9%), failure to execute arrest warrants (10.5%), and the failure of MP agents properly to perform their functions (21.1%).[238] "Excesses during arbitrary detention" statistics include complaints of physical abuse and robbery during detention.[239] Perhaps more important are the criminal process statistics. According to the PGJE's human rights department, in July 1996, after more than three years of its existence, after more than six years of CNDH activity and three years of CEDH functioning, a total of seventeen PGJE agents have had criminal investigations begun against them. Only four have been prosecuted. The PGJE did not indicate to Minnesota Advocates whether any had ever been convicted for committing human rights violations.

Even if the PGJE's statistics presented an improving picture of human rights, for two important reasons they cannot be considered an authoritative measure of Oaxaca's overall human rights record. First, they deal only with human rights violations allegedly committed by PGJE functionaries. And second, they do not begin to take into account the fear and apathy —spurred by years of governmental reprisal and inaction— that Oaxaca's citizens must hurdle before lodging human rights complaints with the state agency presumably responsible for the rights violation to be denounced.[240]

The Oaxacan PGJE's human rights department appears designed primarily to create the image that the state government is doing something to redress human rights violations. Oaxaca's NGOs roundly criticize the effectiveness of the PGJE human rights department. and the facts described in this report support the critique. While the PGJE human rights department possibly has had limited success informing citizens about human rights, what it mostly has accomplished is to serve as another bureaucratic level that stands in the way of what really is needed: prompt investigation into allegations of human rights abuse and expedient and fair prosecutions.

Special Attorney's Office for the Indigenous

In October 1994 the Oaxacan state legislature passed, and the governor signed, the organic law of the Special Attorney's Office for the Indigenous (*Procuraduría para la Defensa del Indígena* or PDI).[241] The PDI, an organ of the executive branch, was created to provide various types of assistance to Oaxaca's indigenous communities, including by addressing shortcomings in the

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[237]Camacho Meza stated to Minnesota Advocates that in ninety-eight percent of the cases arrests were not arbitrary. That figure seems high, however, as most complaints come from the CEDH and CNDH, each of which should filter out spurious claims before making formal inquiry to governmental institutions.

[238]Interview in Oaxaca City with PGJE human rights department director Gloria del Carmen Camacho Meza, 19 Jul. 1996; PGJE statistics, 18 Jul. 1996.

[239]Information provided in Oaxaca City by Pedro Antonio Pérez Ruiz of the PGJE human rights department, 19 Jul. 1996.

[240]Indeed, between January and July 1996, an average of fewer than seven people per month lodged complaints directly to the PGJE human rights department. Nearly four times more complaints came from the CEDH and CNDH.

[241]See Decree No. 210, published in the *Periódico Oficial* (Oaxaca state official gazette), No. 41, 8 Oct. 1994 [Decree No. 210], Art. 1.

criminal justice system.[242] Incorporated into the PDI are Oaxaca's public defenders as well as a translating service, each of which forms part of the PDI's legal defense and counseling department.[243]

The need for an institution providing free legal assistance in Oaxaca is great. Poverty permeates the state generally, but the indigenous are particularly poor. Consequently, they are particularly susceptible to attendant social conditions, such as insufficient access to formal education, and an inability to afford adequate legal assistance when needed. Nearly a fifth of Oaxaca's indigenous population does not speak Spanish, the language of the state's judicial processes.[244] The grim fate of non-Spanish-speaking Mexicans involved in criminal justice processes throughout Mexico has been documented by human rights groups,[245] and has been recognized officially in Oaxaca, at the very least through the creation of special translation services in the PDI. In July 1996, of nearly 3600 Oaxacan inmates, 1800 were indigenous.[246]

Though the PDI's creation was necessary, its ability to carry out the mandate given it by Oaxaca's legislators must be examined. Nearly everyone interviewed by MA-HA representatives believes that the plight of Oaxaca's indigenous populations must be improved. Individuals acknowledging this fact also quickly pointed out the difficulty in improving their living conditions, and seeing that the basic rights of the indigenous are observed.

The PDI director indicated that about eighty public defenders worked under him on indigenous cases, seventeen of whom could speak one language other than Spanish,[247] clearly insufficient in a state whose citizens speak more than fifteen other independent languages and whose prison population is 50% indigenous. Garfias Ruiz informed our representatives in August 1995 that the PDI lacked sufficient qualified personnel to carry out the law.[248] Lack of resources continued through

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[242]The PDI's organic law indicates that its purpose is to "provide legal assistance to the indigenous, persons with limited economic means, or social groups who request such assistance; to promote measures and procedures that protect and preserve common cultural wealth of the indigenous; and to develop the customary forms of social and economic organization of the state's indigenous communities." *Ibid.*

[243]*Ibid.*, Art. 3.

[244]Leonardo Manrique Castañeda, La Población indígena mexicana (INEGI, Aguascalientes: 1994), p. 72.

[245]See, for example, Amnesty International, *Mexico: The Persistence of Torture and Impunity*, No. AMR 41/01/93 (London: Jun. 1993), pp. 6-8.

[246]Interview in Oaxaca City with Gerardo Garfias Ruiz, Director of the Special Attorney's Office for the Indigenous, 8 Aug. 1995; Interview in Oaxaca City with Gerardo Garfias Ruiz, Director of the Special Attorney's Office for the Indigenous, 17 Jul. 1996.

[247]Interview in Oaxaca City with Gerardo Garfias Ruiz, Director of the Special Attorney's Office for the Indigenous, 17 Jul. 1996.

[248]Interview in Oaxaca City with Gerardo Garfias Ruiz, Director of the Special Attorney's Office for the Indigenous, 8 Aug. 1995.

1996, evidenced by the backlog of cases and high case loads and low salaries of the public defenders.[249]

Criminal defendants and convicts reside in one of Oaxaca's thirty-three prison facilities. Garfias Ruiz indicated candidly that only twelve of those facilities are fit to house inmates.[250] Despite these shortcomings, the PDI has been able to secure the release from jail of hundreds of indigenous inmates, through payment of bail, early release,[251] or through *asesoría* (direct legal counseling).[252] In July 1996, some eighty percent were released as a result of *asesoría*, according to Garfias Ruiz.[253]

Human rights issues related to Oaxaca's indigenous communities involve more than assuring due process during criminal procedures and maintaining adequate prison conditions. Oaxaca's indigenous peoples, like those of Chiapas, demand, among other things, local autonomy, access to land, and respect of their traditions, including communal cultural, economic, electoral and judicial

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[249]Interview in Oaxaca City with Gerardo Garfias Ruiz, Director of the Special Attorney's Office for the Indigenous, 17 Jul. 1996.

[250]Interview in Oaxaca City with Gerardo Garfias Ruiz, Director of the Special Attorney's Office for the Indigenous, 8 Aug. 1995. See also Comisión Nacional de Derechos Humanos, Recommendation No. 50/96 of 20 Jun. 1996, reprinted in Gaceta No. 71 (Mexico City: Jun. 1996), pp. 246-59, which describes human rights violations related to the maintenance of the municipal jail (and its inmates) in Salina Cruz, and calls for significant improvements. Mexico's prisons are known as CERESOs, or Centers for Social Readaptation. The PDI director informed our representatives that the substandard prison conditions in Oaxaca did not provide for the social "readaption" of indigenous inmates. Rather, he stated that the indigenous leave jail socially "un-adapted." Though prison conditions are not the focus of this study, Minnesota Advocates and Heartland Alliance remain very concerned that Oaxaca's jails do not meet the minimum standards for the treatment of prisoners set forth in the Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977); Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988); and Basic Principles for the Treatment of Prisoners, G.A. res. 45/111, annex, 45 U.N. GAOR Supp. (No. 49A) at 200, U.N. Doc. A/45/49 (1990).

[251]Approximately forty percent of all convicted individuals ultimately benefit from early release. Interview in Oaxaca City with Gerardo Garfias Ruiz, Director of the Special Attorney's Office for the Indigenous, 17 Jul. 1996.

[252]From January to June 1995, the PDI reported 102 prisoners released through bail, 41 through early release, and 1092 through *asesoría*. PDI statistics (mimeograph), given to MA-HA representatives by PDI director Garfias Ruiz, 8 Aug. 1995.

[253]Interview in Oaxaca City with Gerardo Garfias Ruiz, Director of the Special Attorney's Office for the Indigenous, 17 Jul. 1996. In total, Garfias Ruiz reported the release of a total of 5000 inmates as a result of PDI intervention.

practices.[254] Such issues fall within the PDI's jurisdiction. The PDI's ability to defend basic human rights while promoting indigenous rights demands further study.[255]

National Human Rights Commission (CNDH)

The National Human Rights Commission (*Comisión Nacional de Derechos Humanos* or CNDH is Mexico's most important governmental human rights organization. Created in 1990 at a time when Mexico's human rights record was under increasing scrutiny both domestically and internationally,[256] the CNDH and its non-governmental counterparts have helped make human rights a daily topic of

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[254]For example, In Oaxaca, indigenous groups traditionally have placed significant emphasis on the collective well-being of the community. One manifestation of collective behavior is the system of *tequio*, or service owed to the community by community members. Under the *tequio* regime, individuals must perform certain acts for the community as a whole. Failure to take up one's communal duty produces local social conflict, and can result in communal punishment. Indeed, in the case of San Miguel Aloapan, a number of community residents were expelled from their community in April 1991 for, among other things, accusations of failing to perform community tasks. Interview in Oaxaca City with expelled members of San Miguel Aloapan, 8 Aug. 1995. As this case illustrates, however, other factors are involved. The expelled families either had converted to evangelical Protestantism, or sympathized with the converts. The converts had forsaken alcohol, reportedly upsetting other community members who sold alcoholic beverages. In addition, the expelled families had protested the exploitation of certain lands, which they considered communal, to extract lumber, the profits from which were not distributed community-wide. Regardless of the reasons for the expulsion, the expelled denounced the state government's unwillingness to resolve the dispute. As of August 1995, the expelled families (comprising more than 200 people) had been struck hard by the poverty associated with the lack of access to land. The families reportedly were returning, however, in May 1996. Víctor Ruiz Arrazola, "Reportados en el año, 28 casos de intolerancia en Oaxaca," *La Jornada*, 17 May 1996.

[255]We note in passing that in a discussion of human rights and indigenous rights, the PDI director indicated his belief that the two cannot be reconciled, because of indigenous peoples' communal perspective on social organization. Garfias Ruiz theorized that such communal practices were incompatible with human rights and the latter's emphasis on the individual. Leading international documents on indigenous rights —including Convention No. 169 of the International Labor Organization, the Draft Declaration on the Rights of Indigenous Peoples, and the Draft of the Inter-American Declaration on the Rights of Indigenous Peoples— make clear, however, that indigenous rights are to be interpreted as compatible with, not peremptory of, international human rights law. Furthermore, to generalize the experience of NGOs in Mexico, indigenous communities have received human rights education with overwhelming interest and acceptance. Indigenous communities in Oaxaca are no exception. Increasingly they are demanding their basic rights which, as this report describes, are violated through governmental action or omission. For further study, see Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169), 72 ILO Official Bull. 59, entered into force 5 Sept. 1991; Draft Declaration on the Rights of Indigenous Peoples, E/CN.4/SUB.2/1994/2/Add.1 (1994); Draft of the Inter-American Declaration on the Rights of Indigenous Peoples (AG/RES 1022 (XIX-0/89) (Draft approved by the IACHR at the 1278 session held on 18 September 1995).

[256]See, for example, Minnesota Advocates for Human Rights, *Paper Protection: Human Rights Violations and the Mexican Criminal Justice System* (Minneapolis: Jul. 1990); Human Rights Watch/Americas, *Human Rights in Mexico: A Policy of Impunity* (New York: Jun. 1990).

discussion in Mexico. Its ability to do so stems from its location in Mexico City (whose metropolitan area is home to roughly a third of Mexico's population), which dominates Mexican political life, as well as its formidable size and resources.[257] The CNDH also has had two presidents who often have been]considerably outspoken about ongoing rights violations in Mexico.

Like its state counterpart, the CNDH has had limited success improving the observance of human rights in Oaxaca. As a result of the 1992 reforms mentioned above, the CNDH typically does not investigate human rights violations purportedly carried out by Oaxacan (or other states') authorities. The CNDH may conduct such investigations under three sets of circumstances: 1) when a complainant avers that a state human rights commission has failed to perform its functions (*recurso de queja*);[258] 2) when the complainant is dissatisfied with the CEDH's resolution of the case (*recurso de impugnación*);[259] or 3) when the case is sufficiently grave or important to merit the CNDH's application of its power of *atracción*, or removal, by which the CNDH supplants the state commission as official human rights investigator.[260] Within the CNDH's ordinary jurisdiction are rights violations allegedly committed by *federal* agents, such as Federal Judicial Police (Policía Judicial Federal or PJF) or the military, in Oaxaca and throughout Mexico. Because our investigations focused on human rights violations apparently committed by state agents, abuses of human rights committed by federal agents in Oaxaca do not receive significant attention in this report.[261]

Between June 1990 and November 1994, the CNDH issued sixty-six recommendations to state authorities.[262] The CNDH reported in April 1994 that twenty-five (37.9%) had been "totally

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[257]The CNDH has grown to a staff of nearly 800 individuals.

[258]See Comisión Nacional de Derechos Humanos, *Informe sobre la Actuación de la Comisión Nacional de Derechos Humanos en el Estado de Oaxaca Mayo 1993-Noviembre 1994* (Mexico City: Apr. 1995) [CNDH, Oaxaca Report], p. 88.

[259]See *ibid.*

[260]The CNDH exercised this power in the case of the 28 June 1995 killing by state police of seventeen *campesinos* near Aguas Blancas, in the state of Guerrero. See Minnesota Advocates for Human Rights, *Massacre in Mexico: Killings and Cover-up in the State of Guerrero* (Minneapolis: Dec. 1995).

[261]MA-HA representatives did meet with the Oaxacan state delegate of the Federal Attorney General's Office (Procuraduría General de la República or PGR) in August 1995. Manuel Figueroa Lange indicated that agents under his command did not violate human rights. Rather, he offered that under previous commanders some rights had been violated, but that was mostly by *madrinas* (illegal judicial police assistants), and during his time in Oaxaca (since May 1993) two *madrinas* and one federal judicial police had been sanctioned for corrupt behavior. Interview in Oaxaca City with Manuel Figueroa Lange, PGR delegate to Oaxaca, 9 Aug. 1995. He also said that three or four federal prisoners had complained of "verbal abuse" from law enforcement personnel, but that those charges were too difficult to prove and so investigations were dropped. *Ibid.*

[262]Like CEDH recommendations, those of the CNDH often suggest that specific action be taken by more than one authority. For the purpose of the limited statistical analyses in this report, we consider "recommendations to state authorities" as the unit of measure. For example, CNDH Recommendation No. 69/94 was sent to Oaxaca's governor and the municipal president of Santo Domingo Tehuantepec (and has

complied with."[263] Except for one not accepted by the state official to whom it had been directed,[264] the CNDH considered remaining recommendations "partially complied with."[265]

That a recommendation is "totally complied with" does not mean that a case has been resolved, however, or that the guilty parties have been prosecuted or punished. For example, the CNDH sent Recommendation No. 267/92 to the Military Attorney General (*Procurador General Militar*). It concerns the 8 February 1989 detention by soldiers and subsequent disappearance of Andrés Martínez Díaz. The case was turned over from the Federal to the Military Public Ministry for investigation. The military ceased investigations.

The CNDH recommended in December 1992 that investigations be carried out and that the responsible parties be prosecuted. The military never located Martínez Díaz or prosecuted anyone. Not withstanding such shortcomings, the CNDH found that military authorities had undertaken legitimate efforts to resolve the case. To justify considering the recommendation "totally complied with," the CNDH indicated that "circumstances beyond the control" of the military kept authorities from locating Martínez Díaz.[266]

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only been, according to the CNDH, "partially complied with" by both authorities. See CNDH, Oaxaca Report, pp. 60-62.). In this report, CNDH Recommendation No. 69/94 is considered as two recommendations to state authorities.

[263]This contrasts with a June 1996 compliance rate of approximately 63% nationwide, by all authorities who have received CNDH recommendations. See Comisión Nacional de Derechos Humanos, *Informe Anual Mayo 1995-Mayo 1996* (Mexico City: Jun. 1996), pp. 534-39. Even a sixty-three percent rate is grossly insufficient, for a number of reasons. First, not all cases of human rights violation are denounced to the CNDH. Second, of those denounced, not all are within the CNDH's jurisdiction, as defined by Article 102 of the Mexican Constitution. Third, the CNDH does not issue recommendations in all cases under its jurisdiction. Fourth the CNDH issues recommendations only when it feels secure enough in the facts to determine that a human rights violation in fact has been perpetrated. To feel secure enough, the case must be nearly irrefutable. Even then, CNDH recommendations more often affect low- to mid-level officials who carry out, rather than higher officials who tolerate or order, human rights violations. Finally, the CNDH is able to generate great public attention to its recommendations, more so than any other official human rights commission. That state officials still refuse forty percent of the time to comply with a CNDH recommendation paints a compelling portrait of the general state of human rights protection in Mexico.

[264]CNDH, Oaxaca Report.

[265]*Ibid.*, pp. 13-63.

[266]*Ibid.*, p. 81.

CONCLUSION

This report documents an array of human rights violations and abuse committed in the state of Oaxaca, Mexico. It describes violent acts committed by agents of the state, including murder, disappearance, torture, and arbitrary detention. It also details sustained governmental inactivity in the face of those human rights violations, and of scores of other violent acts perpetrated by private individuals against each other. In tandem, the violence and the failed response to it have created a situation of lawlessness in Oaxaca, for which the state of Oaxaca and the Mexican federal government are responsible under international human rights law.

Individual victims of violence include *campesinos* struggling for access to land, individuals who come in contact with state and federal security force agents, Oaxaca's teachers, as well as human rights activists, journalists and others who daily report on or challenge a system that permits such abuse. In the actions of a few of Oaxaca's most desperate residents one may see what transpires when continuous rights abuse is mixed with seriously inadequate law enforcement. Mob lynchings have taken the place of criminal investigation and prosecution in some areas. In others armed insurrection against the state is now being waged.

Human rights norms obligate states, in the most simple of terms, to ensure and respect basic rights. President Ernesto Zedillo has repeatedly promised to create a culture throughout Mexico where human rights are paramount and the rule of law will flourish. So far his assurances seem little more than empty rhetoric, as his administration has failed to support his promises with action. In allowing such human rights violations and abuse to persist in Oaxaca, the state government of Oaxaca and national government of Mexico do their own violence to international human rights standards. Until, in the words of Benito Juárez, "the people and the government respect the rights of all," there is little likelihood of peace.

APPENDIX: LIST OF TEACHERS' CASES IN OAXACA BEING INVESTIGATED BY THE FEPAM[267]

No.	Victims' Names	Type of Case	Date of Events	Site of Events
1	Fermín Sánchez Gómez	Homocide	(date unknown) 1974	San Agustín Chayuco
2	Victor Pineda Henestrosa	Kidnapping	11-Jul-1978	Juchitán
3	Alejandro Hernández Velasco	Homocide	25-Nov-1978	Santiago Amoltepec, Sola de Vega
4	Juan Benito Olivares	Homocide	11-Oct-1979	Lomas de Naranjos Jalapa de Diaz, Tuxtepec
5	Eusebio Othon Alvarado	[not provided]	20-Oct-1979	Barranca, Chilchotla Teotitlan de Flores Magon
6	Juan Ruiz Soria	Homocide	18-Dec-1979	Soledad Chayuco, Jamiltepec
7	Jose Bautista Salinas	Homocide	(date unknown) 1979	Jamiltepec
8	Mario Contreras Gaytan	Homocide		Santa Ana Cuahutemoc, Cuicatlan
9	Honorio Sabino Garcia Lopez	Homocide	30-Apr-1981	Huaxpaltepec, Jamiltepec
10	Juventino Lopez Jimenez	Homocide	7-Oct-1981	Rancheria de Barrancarica, Agencencia de Policia de Santiago Amoltepec, Sola de Vega
11	Cupertino Vasquez Ruiz	Homocide	14-Oct-1981	La Hamaca, Jamiltepec
12	Miguel Angel Hernández Alonso	Homocide	3-Mar-1982	Rancheria Arroyo Cruz Pochutla
13	Julian Palacios Chazares	Homocide	27-Jul-1992	Oaxaca City
14	Adalberto Velasco Garcia	Homocide	2-Sept-1982	Pinotepa Nacional
15	Eleazar Blas Ortega Pacheco	Homocide	24-Sept-1982	Cuicatlan

[267]Derived from information provided to Minnesota Advocates by the COMADH, 18 Jul. 1996.

No.	Victims' Names	Type of Case	Date of Events	Site of Events
16	Abel Hernández Fabian	Homocide	16-Sept-1982	Kilometer 13 of the highway to Pto. Angel, Oaxaca City
17	Francisco Jimenez Vasqez	Homocide	29-Sept-1982	San Pedro Martir, Yucujaco, Tlaxiaco
18	Edith Julia Santiago Campos	Serious Injury	15-Nov-1982	Ejutla de Crespo
19	Jesus Pastrana Pelaez & Nicasio Ramos Diaz	Homocide	5-Dec-1982	Unknown
20	Sebastian Benedicto Garcia Rendon	Homocide	24-Aug-1982	Huajintepec, Municipio de Ometepec, Es Tado de Guerrero
21	Aurelio Alberto Torres	Homocide	30-Dec-1982	Santiago Pinotepa Nacional
22	Alvaro Jose Nicolas Sánchez	Homocide	(date unknown) 1982	Unknown
23	Placido Salinas Jimemez	Homocide	Presumably 1983, date unknown	Juquila
24	Reyes Midranda Garcia	Homocide	11-Jan-1983	Choapam
25	Juan Mendez Vazquez	Homocide	22-Jan-1983	Juquila
26	Raymundo J. Yoder Melo	Homocide	1-Feb-1983	Rancheria "El Maguey" Llano Grande Jamiltepec
27	Justo Zarate Lopez	Homocide	Presumably 1983, date unknown	Unknown
28	Gaudencio Atanacio Urbieta	Homocide	4-Jul-1985	San Juan Juquila Mixes
29	Socorro Ojeda Bohorquez	Homocide	3-Oct-1986	Miahuatlan de Porfirio Diaz
30	Tobias Lopez	Homocide	Presumably 1986, date unknown	San Lorenzo Jamiltepec
31	Azarel Carlos Cuevas Hernández	Homocide	22-Jan-1987	Las Milpas San Dionicio Ocotepec, Tlaco- Lula
32	Fortno Teran Sánchez	Homocide	22-Jan-1987	Tuxtepec

No.	Victims' Names	Type of Case	Date of Events	Site of Events
33	Batazar Lopez, Pablo Respicio Pelaez & Cecilia Melo Torres	Homocide	18-Oct-1987	Highway Puebla Huajuapan de Leon
34	Adelina de Olmos Martinez	Homocide	15-Oct-1987	Jamiltepec
35	Cenobio Fito Lopez Reyes	Homocide	20-Oct-1987	San Agustín Atenango, Silacayoapan
36	Mario Morales Osorio & Enrique Andres Velasco Posadas	Homocide	14-Nov-1987	Huajuapan de Leon
37	Jovita Herminia Vasquez Aguilar & C. Juan Martinez Cruz	Injury, homocide	6-Dec-1987	San Pedro Jicayan, Pinotepa Nacional, Jamiltepec
38	Modesto Patolzin Moicen	Homocide	26-Feb-1988	Unknown, but presumably committed in Pto. Escondido, Juquila
39	Vicente Amaya Hernández	Homocide	13-May-1988	El Carrizo, Pinotepa Nacional
40	Erika Lorena Viedma Luengas	Homocide	17-Aug-1988	Putla de Guerrero
41	Filomeno Lara Torres	Homocide	14-Oct-1988	Kilometer 17 of the highway Oaxaca-pto. Escondido, Centro
42	Luciano Lopez Hernández	Homocide	15-Oct-1988	Oaxaca
43	Ruben Figueroa Mesa, Manuel Villalobos Rivas, Jose G . Cordova Sánchez, Esteban Montes Quiroz & Nicolas Razgado Hernández	Gunshot Injuries	21-Oct-1988	Pto. Escondido Juquila
44	Guillermo Rodriguez Lopez	Homocide	20-Nov-1988	Santa Catarina Coatlan, Miahuatlan
45	Arcadio Reyes Martinez	Homocide	1-Dec-1988	San Francisco Cozoaltepec, Municipio de Santa Maria Tonameca, Pochutla
46	Teresa Vasquez Toscano	Property Damage	2-Jan-1989	Route to Tlacamama a Jicayan, Pinotepa, Nacional Jamiltepec

No.	Victims' Names	Type of Case	Date of Events	Site of Events
46	Heriberto Mertinez Gómez, (Taxista) Juan Luis Hernández Alberto	Homocide	2-Jan-1989	Route to Tlacamama a Jicayan, Pinotepa, Nacional Jamiltepec
47	Antonio Jaime Salgado	Homocide	22-Jan-1989	Puerto Escondido Juquila
48	Romualdo Carrasco Juana	Homocide	8-Feb-1989	Oaxaca City
49	Anselmo Melgar Martinez & (*Campesino*) Juan Jimenez Natividad	Homocide	4-Apr-1989	Cuicatlan
50	Delfino Leon Rojas	Homocide	Approx. 6 or 7-Apr-1989	Santa Maria Teopoxco, Teotitlan de Flores Magon
51	Isidro Labrador Flores Viveros & Concepcion Rios Casimiro	Injuries, Homocide	5-Oct-1989	San Jose Vista Hermosa, Zoquiapan, Teotitlan de Flores Magon
52	Menor Margarita Martinez Rios	Attempted kidnapping, probable homocide	5-Oct-1989	Presumably San Jose Vista Hermosa, Zoquiapan, ' Teotitlan de Flores Magon
53	Padre de Familia Vidal Javier Carmona	Homocide	Date Unknown	According to information from the state Attorney General's office, it apprears it happened in Cacahuatepec, Jamiltepec
54	Sacakibara Garcia Osorio & Alberto Siderio Casimiro	Injuries, attempted homocide, abuse of authority, criminal association, firing of a gun, carrying a prohibited firearm	17-Nov-1989	San Felipe Usila, Tuxtepec
55	Paulino Martinez Delia & C. Bonifacio Martinez Merino	Homocide	24-Jan-1990	San Juan Copala Juxtlahuaca
56	Armando Luna Alvarado	Homocide	3-Aug-1990	Unknown
57	Mario Jimenez Pacheco & Miguel Reyes Martinez	Homocide	6-Sept-1990	San Agustín Amatengo Ejutla de Crespo
58	Pedro Gacia Carcia	Homocide	15-Sept-1990	City building, Yutandayoo, San Pedro Jica- Yan, Jamiltepec
59	Lazaro Pacheco Hernández	Homocide	16-Sept-1990	Etla

No.	Victims' Names	Type of Case	Date of Events	Site of Events
60	Antonio Cuevas Juarez	Homocide	7-Feb-1991	City building of San Joaquin, Ejutla de Crespo
61	Elizabeth Amador Garcia	"Missing" Apparent kidnapping or homocide	15-May-1991	Oaxaca City
62	Barsimeo Vasquez Juarez	Homocide	24-May-1991	Hierba Santa, Santo Domingo de Morelos, Pochutla
63	Elisa Silvia Ramos Cruz	Disappeared, kidnapped	30-May-1991	Camino Entre San Miguel Abejones & San Juan Atepec, Ixtlan
64	Maria Luisa Cataño Villa & Otros	Homocide	16-Oct-1991	Camino de Terraceria Que Conduce a San Agustín Amatengo a Ejutla de Crespo
65	Jose Asuncion Picazo Guzman	Homocide	9-Nov-1991	Constancia Del Rio, Barrio de Santa Ana, Putla de Guerreo
66	Etelberto Pastarana Pelaez	Serious Injury	20-Nov-1991	San Antonio Ocotlan, San Juan Cacahutepec, - Jamiltepec
67	Padre de Familia Esteban Garcia Martinez	Homocide	20-Nov-1991	Paraje Denomidado " Barranca Agua de Berros" Perteneciente a San Mateo Yoloxochixtlan, Teotitlan de Flores Magon
68	Mario Ramirez Salinas	Homocide	14-Dec-1991	San Juan Lachao Pueblo Nuevo, Juquila
69	Alfonso Rodriguez Francisco	Homocide	20-Apr-1992	San Juan Copala, Juxtlahuaca
70	Carmelo Vasquez Juarez	Homocide	12-Jan-1993	Bajo La Cruz, San Agustín Loxicha, Pochutla
71	Camerino Vasquez Jimenez	Homocide	26-Apr-1993	Asuncion Itunyoso, Tlaxiaco
72	Pedro Rodriguez Hernández	Homocide	7-May-1993	Antes de Llegar a La Cruz Del Conejo, Camino a San Isidro Chicahuaxtla, San Andres Chicahuaxtla, Putla de Guerrero
73	Miguel Lucas Castillo	Homocide	24-Jul-1993	Barrio de La Jalapilla, Acatlan de Perez Figueroa

No.	Victims' Names	Type of Case	Date of Events	Site of Events
74	Inocente Rossel Cruz Santiago	Homocide	11-Oct-1993	Tramo Xinaxtla a San Juan Sayultepec, Nochix- Tlan
75	Lazaro Cardenas Rosas	Homocide	15-Oct-1993	Santa Cruz Itundujia, Putla de Guerrero
76	Faustino Mateo Luna	Homocide	6-Dec-1993	Tramo de Carretera Ciudad Aleman-pto. Angel Km. 005 + 700 a La Altura de Santa Maria Coyotepec, Centro
77	Jaime Vasquez Carreño	Wreckless homocide	9-Dec-1993	Kilometro 189 + 900 de La Carretera (190) Mexico Ciudad Cuahutemoc, Tramo Etla - Oaxaca
78	Olga Pereda Garcia	Homocide, Rape, and Robbery	6-Jan-1994	Agua de Oido, Santa Ana Ateixtlahuaca, Teotitlan de Flores Magon
79	Eduardo Ramirez Martinez	Wreckless homocide	12-Jan-1994	Km. 210 + 200 Carretera (190) Mexico, Ciudad ---- Cuahutemoc Tramo Limites Estado de Puebla, Huajuapan de Leon
80	Graciano Merino Bautista	Homocide	22-Jan-1994	Domicilio Del Hoy Occiso En Calle Principal a La Altura Del Reten, Entronque Con La Carretera Costera Del Pacifico, En Jamiltepec
81	Francisco Bermudez Perez	Homocide	25-Jan-1994	Oaxaca City
82	Lucas Julian Moreno	Homocide	28-Jan-1994	Cerro Del Tepescuitle, San Miguel Sayultepec, Tuxtepec
83	Guillermo Reyes Martinez	Homocide	12-Mar-1994	Carretera Internacional, Frente a La Terminal de Autobuses "Fletes & Pasajes", En Putla de Guerreo
84	Donato Vargas Pacheco & Carolina Vasquez Cardoso	Homocide	(date unknown) 1994	Unknown
85	Eleazar Rosete Cortes, Noel Jimenez Silva & Otros	Injuries	11-Nov-1994	Santa Cruz, Huatulco, Pochutla

No.	Victims' Names	Type of Case	Date of Events	Site of Events
86	Crisanto Gabino Antonio Antonio	Homocide	14-Jun-1995	En El Trayecto de San Vicente Coatlan a San Nicolas Miahuatlan
87	Orlando Carranza Amador	Attempted homocide	3-Jul-1995	San Pedro Totolapan, Tlacolula
88	Abel Gonzalez Agustín	Homocide, Injuries		Tuxtepec
89	Ing. Cesar Vargas Guzman	Homocide	23-Apr-1995	Putla de Guerrero
90	Petra Pablo Osorio	Manslaughter and rape		San Pablo Huixtepec, Zimatlan de Alvarez
91	Prof. Alberto Martinez Hernández	Fraud	15-Dec-1995	Oaxaca City
92	Flor de Los Angeles Fuentes Reyes	Rape	28-May-1995	Espinal, Juchitán de Zarazgoza
93	Estela Figueroa Martinez	Abuse of Authority	Began 12-Jan-1996	San Jose Tenango, Huautla de Jimenez
94	Alberto Elias Galindo Morales & Jenny Sánchez Lopez	Threats, Attempted kidnapping	Began 3-Feb-1996	Unknown
95	Cc. Heriberta Escamilla Garcia & Silveria Garcia Bejarano & Angelica Silva Calvo			San Pedro Pochutla
96	Carlota Montes Cruz, Rene Espinoza Cruz, Miguel Ramirez Oliva & Marcelino Ramirez Ramirez	Injuries, Attempted homocide, firing of a gun, property damage	8-Mar-1996	Teposcolula
97	Javier Velasquez Cruz	Injuries	Started 20-Mar-1996	Oaxaca City
98	Manuel de Jesus Vasquez Gómez	Attempted Homocide, Threats, Injuries	28-Feb-1996	El Chilar Distrito de Cuicatlan
99	German Palacino Antias	Attempted homocide, firing of a gun, property damage	8-Feb-1996	Puerto Escondido
100	Alejandro Gilberto Garcia Diaz	Injuries, Defamation, and Threats	25-Mar-1995	Puerto Escondido

No.	Victims' Names	Type of Case	Date of Events	Site of Events
101	Marcos Calderon Hernández	Threats	23-Mar-1996	Puerto Escondico
102	Bernardito Garcia Matias & Demas Que Resulten Sujetos Pacivos	Usurpation of Functions, Threats	29-Jun-1995	Puerto Escondido
103	Mª de La Luz Peralta Cruz, Mª Del Socorro Diaz Ramos & Otros	Threats and Injuries	27-May-1996	San Juan Zapotitlan, San Pedro Sochiapan
104	Organizacion de Vivienda Popular Pto. Escondido Oaxaca, Asociacion Civil	Aggravated robbery	17-Jul-1995	Puerto Escondido
105	David Morales Buron	Property damage	26-Mar-1993	Puerto Escondido, Juquila
106	Güilebaldo Arango Gallardo	Fraud	10-Apr-1995	Pto. Escondido, Juquila
107	C. Enrique Cuenca Fernandez	Homocide and property damage	20-May-1996	Zimatlan de Alvarez
108	Escuela Secundaria Tecnica Numero 48	Property damage	30-Apr-1996	Tlacolula de Matamoros
109	Alejandro Mateo Chagoya Robles, Erick Manuel Jimenez Hernández, Rosendo Perez Miguel & Agustín Reyes Dominguez. & Sociedad	Injuries	14-Jun-1996	Oaxaca City
110	German Eduardo Palacino Antia	Abuse of authority	10-Jun-1995	Puerto Escondido
111	Armando Agustín Bonifacio & Samuel Reyes Luna	Homocide, shot	1-Dec-1995	María Lombardo de Caso, Mixe

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Derechos Humanos y Poder Judicial en México, February 1995 ($5.00, 34 pages), reviews the structure and practice of the judicial branch of government in Mexico as it affects the human rights of Mexican citizens. Analyzes structural and practical impediments to the independence of the judiciary, including the procedures for appointment and discipline of judges, and the use of judicial power as an instrument of executive authority. *Available in Spanish only.*

Codificando Represión: El Código Penal para el Estado de Chiapas, December 1994 ($3.00, 10 pages), analyzes the Penal Code of the state of Chiapas and recommends fundamental changes in the document so that the legal standards that govern the state conform to international principles of human rights ratified by Mexico. *Available in Spanish only.*

Harassment of Human Rights Defenders in Mexico, August 1994 ($3.00, 12 pages), details escalating aggressions against human rights advocates, community workers and the Catholic Church prior to the national elections of August 1994, and urges the Mexican government to guarantee international human rights protections for these individuals and their organizations. *Also available in Spanish.*

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Stifling Human Rights Advocacy in Mexico: The Censure of Brigadier General José Francisco Gallardo Rodríguez, May 1994 ($3.00, 11 pages), highlights the risks facing human rights advocates in Mexico today by detailing the case of a prominent Mexican general who was jailed after denouncing military human rights violations.

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