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FROM: Amembassy, MEXICO DATE: March 24, 1976

**GDS**  
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 SUBJECT: Human Rights in Mexico

REF: A) State 45319, B) 1975 Mexico A-52, C) 1974 Mexico 3309, D) 1975 Mexico 9058, E) 1975 Mexico 3008, F) 1975 Mexico 772

This airgram responds to reference A, requiring report on human rights in countries receiving security assistance. Headings correspond to Ref A's suggested outline.

**SUMMARY:** A pattern of human rights violations in Mexico exists in four separate areas: de facto lack of guarantees to detainees during the period immediately following arrest in both common criminal and political cases; extortion practiced on imprisoned U. S. citizens by fellow inmates given supervisory responsibility and by prison guards; GOM action against political terrorists; and relatively minor governmental harassment against legal political opposition. There is no effective legal or administrative constraint against these kinds of violations except notification of arrest and immediate consular access in the case of aliens, an area in which we have taken vigorous action concerning U. S. citizens. Among international organizations, only Amnesty International has taken an interest in human rights in Mexico and described Mexico rather accurately in a brief section of its 1974-1975 report. U. S. security assistance should not reasonably be related to human rights violations in Mexico, but we can expect interest in the assistance provided Mexico under the FAA for narcotics enforcement. We expect that our position can be

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UNCLASSIFIED

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MEXICO A-79  
Page 2

successfully defended against accusations that our assistance can be associated with human rights violations.

Mexico is not exemplary in the human rights field, but we do not feel that the patterns of violations which do occur should place it among those countries where a "consistent pattern of gross violations" exists.

END SUMMARY.

#### Important Ordinary Legal Guarantees

Chapter I of the Mexican Constitution (Articles I-29) establishes as individual guarantees to be enjoyed by "every person in the United Mexican States" all the internationally recognized human rights. Reference B describes the Mexican writ of amparo and the practice of jurisprudencia, two additional means by which the individual citizen may protect himself against arbitrary governmental decisions.

There is not now in effect in Mexico a state of emergency or siege but Article 29 of the Mexican Constitution does make provision for a temporary suspension of individual guarantees. To the best of our knowledge, Article 29 has never been invoked.

#### Actual Practice of Government Regarding Human Rights

As pointed out in Reference B, Mexico's system of one party rule has given the executive branch of its government a certain flexibility in the degree to which it adheres to human rights guarantees. We believe that the kind of human rights violations which occur in Mexico do form patterns, but doubt that Mexico qualifies as a country where a "consistent pattern of gross violations" occurs.

#### Torture, Cruel, Inhuman or Degrading Treatment or Punishment

Torture and other similar violations of human rights frequently occur immediately after arrest during police interrogation, before the individual is consigned, permitted attorney's counsel, or, in the case of an alien, consular access. The pattern appears to be that police officials have little to discourage their use of physical abuse to force a detainee to cooperate fully with his interrogators. These violations occur in all kinds of instances, both in normal criminal arrests and in politically motivated detentions. In January 1975, an elderly member of the Mexican Communist Party died while in police custody, probably as a result of police interrogation. (See Ref F). Although the Government of

UNCLASSIFIED

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MEXICO A- 79  
Page 3

Mexico clearly does not condone this officially or publicly, it just as clearly tolerates the abuse so long as it does not result in embarrassing public disclosures. It undoubtedly is also limited in its ability to change this centuries old pattern. To our knowledge, no administrative controls inhibit such practices, except consular access when it is gained in the case of an alien. Criminal sanctions exist but have not constituted an effective deterrent. To the best of our knowledge, in the past year, there occurred only one instance in which police officials were discharged and prosecuted for abuses of this nature.

Conditions in Mexican prisons are often deplorable but we would not term treatment or punishment inhuman or degrading in most instances. The mayor system, by which inmates are given supervisory responsibility over fellow inmates, including the power to extort, does result in a pattern of abuse, but these violations of human rights are probably minor relative to those described in the preceding paragraph.

Arbitrary Arrest, Detention, Incarceration Without Trial

Reference C is a still accurate description of GOM behavior under this heading: there does not exist a consistent pattern of gross violations of this kind. The GOM deleted in mid-1970 articles from the penal code concerning previously abused authority to arrest persons engaging in crime of "social dissimulation". Persons arrested during the massive student demonstrations of 1968 had all been released by mid-1971. We are not aware of anyone presently incarcerated in Mexico who can properly be termed a "political prisoner". The last such person, agrarian leader Ramon Barrios Jalorino, was released in November 1974.

Abuses continue to occur, however, in two ways. The GOM will occasionally detain persons belonging to political opposition groups and question them regarding alleged illegal activities. They are usually released without charges. Two opposition unregistered parties (Mexican Party of Workers and Party of Socialist Workers) have complained constantly of this kind of harassment. The editors of a radically leftist newspaper were detained in a military camp for nearly three weeks in September 1974 without being charged with any crime;

UNCLASSIFIED

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MEXICO A-79

Page 4

their offices were ransacked and their newspaper closed down without any judicial authority.

A second pattern exists in GOM handling of terrorist activity. We believe the Government has little qualms in acting to destroy opponents who use terrorism as a tactic. Reference D describes what we believe to be an example of this kind of activity. GOM action against terrorists probably includes the full range of human rights violations.

#### GOM Condonation of Violations

As indicated above, some parts of the GOM obviously privately condone violations of human rights against detainees of all kinds during police interrogation, against terrorists, and to a lesser and milder degree, against political opposition. Administrative controls, if they exist, appear inadequate. Criminal sanctions are rarely applied, although this has happened. In the case of aliens, consular access as soon as possible after detention appears to be the best remedy for violations of this kind.

#### 1974-1975 Amnesty International Report

The Embassy received from the Department in September 1975 a copy of a section of this report dealing with Mexico (pages 74-75). We believe the report correctly focuses on the de facto absence of procedural guarantees and would qualify its findings in only a minor way. We know of no current prisoners who are "visibly prisoners of conscience"; the report implies that there are a few.

We are unaware of any other international organizations taking an interest in human rights in Mexico.

#### U. S. Diplomatic Steps

Embassy efforts to discourage violations and to promote observance of human rights have consisted primarily of our protesting violations against U. S. citizens. The Embassy has filed written protests of violations of different kinds with the Mexican foreign office on a number of occasions during 1975. Oral protests to the Attorney General, to the Undersecretary of the Interior, to prison officials and other bureaucratic personnel have been innumerable. A major and more concrete effort to promote observance has been our insistence on the right of notification of arrest of a U. S. citizen and right

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of consular access. Although compliance with directives of the Mexican Attorney General to observe these rights has been spotty, there has been some improvement.

We do not believe that the \$100,000 of training provided the Mexican military through scholarships and educational grants can in any reasonable way be connected with violations of human rights in Mexico. A more serious problem arises with regard to assistance granted Mexico for narcotics control; although reference A did not require reports on countries receiving such assistance, we believe a brief discussion of this issue is worthwhile.

Mexico is currently the largest recipient of FAA funds designated for narcotics control activities. Fortunately, none of the equipment and training provided can reasonably be connected to the type of violations which occur in Mexico, since the bulk of the equipment has been helicopters and the training has been for pilots. The USG has not provided individual agent training since 1973.

A connection between USG emphasis on narcotics control and human rights violations can arise in two ways, however. One is the presence of U. S. Drug Enforcement Agents in Mexico and their occasional participation in the interrogation process, usually as interpreters. To safeguard against any possible abuses arising in this fashion, the Embassy drew up a detailed set of guidelines for DEA operations in Mexico which we understand has been adopted as a model elsewhere in this hemisphere. These are contained in reference E.

A second connection has been raised by GOM officials themselves and is either a deliberate obfuscation or a (mis) conception which is probably shared by many Americans with relatives imprisoned in Mexico. Most succinctly stated by Mexican Ambassador to the United States de Olague, Mexicans believe the United States should choose between "soft treatment for U. S. citizens arrested and better enforcement action". This of course implies incorrectly that U. S. concern for the rights U. S. citizens have under Mexican law can be equated with "soft" or special treatment, but it is a theme Mexicans have seized upon and undoubtedly is appealing to the families of many citizens in Mexican jails. It has also been sounded by several journalistic

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treatments of the prisoner problem. There is one grain of truth in the connection, however. Many of the human rights violations which occur in Mexico are the result of pervasive cultural and legal attitudes typical of lesser developed countries and which will be overcome only as the country gradually modernizes. Thus, to the extent that our emphasis on narcotics enforcement results in more narcotics arrests, instances of human rights violations will probably increase. Only by a perverse logic can this correlation become a justification for changing our priority emphasis on narcotics enforcement, and we need not be defensive about this result of this emphasis, but we should recognize that a tenuous connection exists.

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