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ACTION ARA-10

INFO OCT-01 SS-14 ISO-00 PM-03 AID-10 IGA-01 NSC-07 NSCE-00

CIAE-00 INR-10 NSAE-00 RSC-01 DODE-00 L-02 SP-01

EXCISE

OMB-01 TRSE-00 H-01 PRS-01 DRC-01 SCCT-02 SNM-02

DEAE-00 /068 W

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R 191604Z APR 74  
FM AMEMBASSY MEXICO  
TO SECSTATE WASHDC 1275

DEPARTMENT OF STATE *M 976* IM/IPS/CR/IR Date: *10/24/97*  
 RELEASE  DECLASSIFY  
 EXCISE  DECLASSIFY IN PART EO Citations: *B1*  
 DENY

SECTION 1 OF 2 MEXICO 3309 FOIA Exemptions \_\_\_\_\_ TS authority to  
PA Exemptions \_\_\_\_\_  CLASSIFY as  S or  C Sec. \_\_\_\_\_  
 DOWNGRADE TS to  S or  C

LIMDIS

E.O. 11652: GDS  
TAGS: EAID, MASS, PINS, MX  
SUBJECT: FAA SECTION 32 - POLITICAL PRISONERS

TOAID

REF: STATE 068545

1. SUMMARY: EMBASSY BELIEVES THAT GOM DOES NOT RPT NOT FALL WITHIN DEFINITION OF GOVERNMENT WHICH SHOULD BE DENIED ECONOMIC OR MILITARY ASSISTANCE UNDER SECTION 32 OF THE FAA OF 1973, ALTHOUGH SOME MEXICAN PRACTICES BORDER ON THOSE PROSCRIBED BY ACT. SINCE AID HAS NO COUNTRY PROGRAM IN MEXICO, WE ASSUME THIS REPLY REQUIRED ONLY BECAUSE OF MODEST MILITARY TRAINING PROGRAM FOR MEXICO FUNDED UNDER FAA. END SUMMARY.

2. AS DEPT AND AID/W AWARE, THERE IS NO AID COUNTRY PROGRAM FOR MEXICO. ONLY AID PROGRAM HERE IS REGIONAL (RTAC). MEXICO DOES, HOWEVER, RECEIVE TRAINING UNDER MILITARY ASSISTANCE PROGRAM, FUNDED UNDER FAA, INVOLVING APPROXIMATELY 24 STUDENTS AT COST OF APPROX DOLLARS 100,000 ANNUALLY. POST THEREFORE ASSUMES THAT FOR THIS

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REASON A REPLY TO REFTEL IS REQUIRED.

3. IN GENERAL, EMBASSY BELIEVES IT CAN BE SAID THAT GOM DOES NOT RPT NOT INTERN OR IMPRISON ITS CITIZENS FOR POLITICAL PURPOSES PER SE. EXPRESSION OF POLITICAL BELIEF OR OPINION CONTRARY TO OFFICIAL POLICY OR PUBLIC POSITIONS OF MEXICAN GOVERNMENT AND RULING PARTIDO REVOLUCIONARIO INSTITUCIONAL IS USUALLY TOLERATED WITHIN LIMITS THAT -- BY COMPARISON WITH THOSE IN MANY OTHER LDC'S -- ARE RELATIVELY BROAD, OR AT WORST DISCOURAGED THROUGH MILD PRESSURES (E.G., STRIDENTLY OPPOSITIONIST PUBLICATIONS HAVE AT TIMES EXPERIENCED DIFFICULTY IN OBTAINING QUANTITIES OF NEWSPRINT THEY WOULD LIKE, OR HAVE HAD INDIVIDUAL ISSUES CONFISCATED OR THEIR DISTRIBUTION INTERFERED WITH). THERE ARE THREE LEGALLY REGISTERED OPPOSITION PARTIES, ONE OF WHICH IS MORE THAN TOKEN, AND OTHER, UNREGISTERED POLITICAL GROUPINGS ARE ALLOWED TO EXIST AND OPERATE SO LONG AS THEY REMAIN DISCREET IN THEIR ACTIVITIES. GOM POLICY EVEN TOWARD SOMEWHAT MORE MILITANT OPPOSITION ACTIVITY CAN BE SAID TO HAVE MATURED IN LAST FOUR YEARS, BEGINNING WITH DELETION FROM PENAL CODE IN MID-1970 OF CONTROVERSIAL ARTICLES 145 AND 145-BIS AND RELATED PROVISIONS CONCERNING VAGUELY DEFINED "CRIME" OF FOMENTING "SOCIAL DISSOLUTION" (SEE MEXICO 3894, JULY 16, 1970). RELEASE OF SUBSTANTIAL NUMBER OF PRISONERS ARRESTED FOR PARTICIPATION IN 1968 DEMONSTRATION AND OF OTHER SO-CALLED "POLITICAL PRISONERS" UNDER CURRENT ECHEVERRIA ADMINISTRATION (I.E., SINCE DECEMBER 1970) IS FURTHER EVIDENCE OF GOM MATURATION IN THIS REGARD (SEE MEXICO A-52, FEB. 15, 1971; A-652, DEC. 20, 1971; AND A-655, DEC. 27, 1971).

4. WHERE GOM REMAINS UNCOMPROMISING (AND INDEED MAY HAVE STIFFENED ITS ATTITUDE IN RECENT MONTHS) IS IN RESPECT TO THOSE PERSONS WHO HAVE TAKEN UP ARMS AGAINST THE STATE. GOM ARGUES (AND, WE THINK, WITH JUSTIFICATION) THAT SUCH PERSONS, WHATEVER THEIR PROFESSED MOTIVATION, HAVE COMMITTED FELONIES (MURDER, KIDNAPPING, ARMED ROBBERY, ETC.) AND ARE THEREFORE SOUGHT, APPREHENDED, AND PUNISHED NOT FOR THEIR BELIEFS BUT FOR CONCRETE ACTS.



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5. IT IS IN DEALING WITH PERPETRATORS OF SUCH ACTS THAT GOM APPEARS FREQUENTLY TO OVERSTEP LEGALLY PRESCRIBED PROCEDURES. THERE ARE RECURRENT REPORTS OF DETENTION OF "SUSPECTS" WHOSE ONLY CONNECTION WITH ANTI-GOVERNMENTAL

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ACTIVITY MAY BE BLOOD RELATIONSHIP WITH WANTED GUERRILLAS; OF CIVILIANS DETAINED EXTRA-CONSTITUTIONALLY BY MILITARY AUTHORITIES, TO PRECLUDE POSSIBILITY WHICH WOULD EXIST WITHIN REGULAR JUDICIAL SYSTEM OF THEIR OBTAINING RELEASE THROUGH "AMPARO" PROCEEDINGS; OF PERSONS HELD FOR MORE THAN THREE DAYS WITHOUT ARRAIGNMENT AND/OR FOR MORE THAN ONE YEAR WITHOUT TRIAL, IN VIOLATION OF CONSTITUTIONAL STIPULATIONS; AND OF PRISONERS TORTURED WHILE IN DETENTION. LATELY, THERE HAVE BEEN INDICATIONS ALSO THAT GOM HAS MURDERED SOME PRISONERS AFTER EXTRACTING ALL INFORMATION THEY HAVE TO GIVE, PRESUMABLY WITH INTENTION OF COMMUNICATING GOM'S HARD LINE AND KEEPING DOWN NUMBER WHOSE RELEASE MIGHT BE SOUGHT IN EXCHANGE FOR LIFE OF KIDNAPPING VICTIM (SEE GUADALAJARA A-81, NOV. 27, 1973 AND A-92, DEC. 28, 1973).

6. IN CANDID MOMENTS, GOM OFFICIALS WILL SOMETIMES CONCEDE THAT EXCESSES ARE COMMITTED. THUS A US-CITIZEN CORRESPONDENT JOVA

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WAS REPORTEDLY TOLD RECENTLY BY A SUBCABINET OFFICIAL THAT GOM CONSIDERS ITSELF "AT WAR" WITH GUERRILLA/TERRORIST GROUPINGS. "A 19-YEAR-OLD GIRL ARMED WITH A SUBMACHINE GUN," HE ADDED, "CAN BE A DEADLY ENEMY." IMPORTANT POINT IN EMBASSY'S OPINION, HOWEVER, IS THAT GOM IN THESE INSTANCES APPEARS TO BE RESPONDING --HOWEVER HEAVY-HANDEDLY -- TO LEGITIMATE AND SERIOUS PROVOCATION BY ARMED OPPONENTS WHO SEEK ITS OVERTHROW AND WHO IN LAST SEVERAL YEARS HAVE COME TO CONSTITUTE A GENUINE THREAT TO PUBLIC ORDER IN SEVERAL PARTS OF COUNTRY.

7. PRINCIPAL HANG-UPS FOR GOM IN DEALING WITH MODERN-DAY GUERRILLAS AND TERRORISTS HAVE HAD TO DO WITH PUBLIC POSTURE: A DESIRE TO MINIMIZE SERIOUSNESS OF PROBLEM SO AS NOT TO ALARM PUBLIC OPINION (EVEN WHILE APPLYING HARSH MEASURES TO DEAL WITH PROBLEM); AND AN UNWILLINGNESS TO CONCEDE POLITICAL MOTIVATION (EVEN THOUGH IT UNDOUBTEDLY EXISTS) TO GUERRILLAS AND TERRORISTS. HOWEVER, THIS ASPECT OF GOM'S PROBLEMS IS NOT GERMANE TO QUESTIONS RAISED REFTTEL.

8. ON BALANCE, THEREFORE, EMBASSY WOULD CONCLUDE THAT, WITHIN MEANING OF SECTION 32 OF THE FAA, MEXICO DOES NOT

  
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PRACTICE INTERNMENT OR IMPRISONMENT OF CITIZENS FOR POLITICAL PURPOSES EXCEPT WHEN FACED WITH ACTIVE, ARMED OPPOSITION THAT POTENTIALLY THREATENS SECURITY OF STATE, AND THAT THERE IS NO CONSISTENT PATTERN OF VIOLATION OF RIGHT TO BE FREE OF ARBITRARY ARREST.

9. WE WOULD ADD JUDGMENT THAT

MEXICAN ARMY COMMITMENT TO JOINT US/GOM ANTI-NARCOTICS EFFORT (ESTIMATED BY DAO AT 30 BATTALIONS FULL- OR PART-TIME) FAR OUTWEIGHS MONETARY VALUE OF TRAINING PROVIDED BY THE USG UNDER MAP.  
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