

- ♦ pay special attention to safeguarding the human rights of women, including indigenous women and women in conflict zones, especially where police and armed forces are operating.

### **Sub-Commission on Prevention of Discrimination and Protection of Minorities**

At the 1998 session, the Sub-Commission adopted by secret ballot a resolution on developments in the human rights situation in Mexico (1998/4). The vote on the resolution was 12 in favour, 6 opposed, 6 abstentions. The Sub-Commission, *inter alia*: noted corroborative sources indicating that developments in the human rights situation were becoming more and more disturbing, particularly with regard to the indigenous populations; noted the announcement made to the Sub-Commission by the government of its support for the adoption by the General Assembly of the draft declaration on the rights of human rights defenders; viewed as an encouraging sign and a positive development the statement made by the government on the general strategy decided by the authorities to resolve the question of Chiapas with the help of dialogue, and without first requiring the Zapatista National Liberation Army to hand over its weapons; and reaffirmed that preventive action by the Commission on Human Rights and other protection mechanisms is the surest way, while there is still time, to prevent violence and impunity from irreparably impairing the rule of law. The Sub-Commission: requested the authorities to ensure full respect for the international human rights instruments to which Mexico is party; appealed to the signatories of the San Andrés accords to resume the process favouring dialogue; requested the Commission on Human Rights, in the interest of prevention, to consider at its next session developments in the human rights situation in Mexico; and decided that should the Commission be unable to take up consideration of the matter, to continue the Sub-Commission's consideration of these developments at its 1999 session.

## **THEMATIC REPORTS**

### **Mechanisms of the Commission on Human Rights**

#### **Arbitrary detention, Working Group on:**

(E/CN.4/1998/44, paras. 4, 7, 8, 19, 21; E/CN.4/1998/44/Add.1, Opinion No. 10/1997, Opinion No. 11/1997)

The main report notes that various appeals and communications were sent to the government. No details of the cases are provided. The addendum to the report summarizes cases on which the Working Group (WG) adopted opinions.

Opinion No. 10/1997 related to the arrest of eight persons. The government informed the WG that the individuals had been charged with storing weapons, had been found guilty and were sentenced. Under provisions taking into account the time spent in detention on remand and during trial all nine persons had been released.

Opinion No. 11/1997 related to the case of a bishop, an American citizen, who was arrested at Mexico City Airport by agents of the Federal Criminal Investigation Service. He was tried for the offence of possession and illegal introduction into the country of the substance MDA, and was sentenced to 10 years' imprisonment without remission. Information indicated that various irregularities had occurred during the case. The government's reply was limited to informing the WG that the individual was tried and sentenced to 10 years' imprisonment and a fine and did not refer to alleged procedural irregularities. Given that the source of the information did not provide to the WG any proof of lack of due process and the failure of the government to respond to those allegations the WG decided to keep the case pending awaiting further and more up-to-date information.

#### **Disappearances, Working Group on enforced or involuntary:** (E/CN.4/1998/43, paras. 3, 13, 260–269)

The report notes that the majority of the 343 reported cases of disappearance in Mexico occurred between 1974 and 1981, 98 of them in the context of rural guerrilla warfare in the mountains and villages of Guerrero during the 1970s and the beginning of the 1980s. Twenty-one cases occurred in 1995, mostly in Chiapas and Veracruz with the majority of the victims being members of several Indian, peasant and political organizations. Four cases occurred in 1996 in Guerrero and one in Sinaloa, and concerned two teachers, two peasants and a businessman.

Twenty-four newly reported cases of disappearance — all of which occurred in 1997 in Guerrero, the Federal District, Chiapas and Morelos — were sent to the government. The victims were peasants, teachers, members of ethnic peasant and human rights organizations, a soldier and individuals connected to the legal opposition party, the Party of the Democratic Revolution (Partido de la Revolución Democrática, PDR). Information indicated that the army was responsible in nine cases, the Judicial Police of the State of Guerrero in six cases, the Judicial Police of the Federal District in five cases, the Judicial Police of the State of Morelos in one case, and members of the paramilitary group "Guardias Blancas" and agents in civilian clothes in three cases. Seven of the cases were clarified when the sources reported that six of the persons had been released and one found in detention.

The WG referred to concerns that had been expressed with regard to an increase in the number of cases of "short term" disappearances. Many of these cases were said to be linked to military and police counter-insurgency operations, especially in Chiapas and Guerrero. It was alleged that detainees were held in unacknowledged detention, and when inquiries were made by relatives and members of non-governmental organizations to the military and police authorities, knowledge of the person was said to be denied. Some of those disappeared persons who were subsequently released have reportedly claimed that while in incommunicado detention they were subjected to ill-treatment and torture. Others were report-