

been made about actions by public officials allegedly violating the rights of the persons detained; the persons named did not wish to make a complaint; the National Human Rights Commission had interviewed the persons concerned and carried out medical examinations of the persons but the Chiapas Attorney General's Office had not received any information about the detentions; and an investigation had been carried out by the National Human Rights Commission which decided that it had not been established that human rights violations had been committed by officials; and, the police action had been taken to serve arrest warrants relating to the commission of various offences, a group of persons had blocked the road, the police unit had withdrawn from the area, the Public Prosecutor's Office had initiated an inquiry but received no testimony about alleged ill treatment, and the National Human Rights Commission had initiated an investigation into the matter.

The SR visited Mexico from 7 to 16 August 1997. The aim of the mission was to collect first-hand information from a wide range of contacts in order to assess the situation better with regard to the practice of torture in Mexico. The report of the mission (E/CN.4/1998/38/Add.2) contains information on, *inter alia*: the scope and context within which torture occurs; legislative and other measures to protect detainees against torture; and the right to effective remedy. The annex to the report summarizes more than 100 cases referred to the government by the SR, covering the period between January 1996 and September 1997.

At the outset, the report states that the SR received a great deal of information from non-governmental sources to the effect that torture continued to be a common practice but the majority of cases are not reported to the authorities due to ignorance, limited means of substantiating the case, mistrust on the part of the victims in institutions or fear of reprisals. Those same sources indicated that the most common cases occurred in the course of investigations of crimes, with the use of torture common among judicial police forces. Other cases were attributed to the army.

The report refers to amendments to laws introduced by the government on the basis that they were necessary to respond to the rise in the crime rate and the social demand for greater public security. The amendments have allowed the armed forces to intervene in areas which pertain to the civil authorities, such as public security and the prosecution of certain offences. As a result, the armed forces intervene in the investigation and prosecution of offences such as terrorism, smuggling and illegal trafficking in persons, arms and drugs, despite the fact that article 21 of the Constitution provides that the investigation and prosecution of offences is the province of the Public Prosecution Department.

Following on this, the report notes that: in order to justify this role of the armed forces, it has been argued that they assist the civil authorities, although they are not actually subordinate to those authorities; the armed forces undertake duties on their own account which are

the province of the Public Prosecutor, on the pretext of looking for drugs or weapons; these actions and this practice are contrary to article 129 of the Constitution which stipulates that in peacetime no military authority may engage in duties other than those which are directly related to military discipline; and, in March 1996, the Supreme Court ruled that the army could, if expressly requested by the civil authorities, participate in civil actions in favour of public security in situations which did not require the suspension of guarantees, provided that the Constitution and laws were strictly observed.

A further area of concern is noted as involving arrests, followed by interrogation under torture, carried out by unidentified individuals who are often masked. Information received indicated that victims are blindfolded and therefore unable to identify the places to which they are taken as well as the fact that the type of interrogation and behaviour has led detainees to suspect that their captors are linked to the security forces. The information also referred to cases in which civilians acted alongside public agents or with their acquiescence (white guards, hired gunmen, etc.), particularly in Chiapas. Additional sources provided the SR with documentation related to attacks, carried out by the police force, on street children and young people as well as educators working with them. The attacks involved beatings, threats and, in two cases, sexual harassment and/or abuse. The actions were reported to have taken place either as part of an effort to force street children from a specific area of a city or during crime investigations.

The report notes that the most commonly used methods of torture include, *inter alia*: indiscriminate beatings, attempted suffocation by placing a plastic bag over the victims' heads or keeping their heads under water, pouring large quantities of liquid into the mouth and nose, hanging by the neck or limbs and applying electric shocks. The torture was accompanied by threats, including death threats, against victims and their families. A significant amount of information was received related to politically motivated torture against, for example, peasant and social activists, militants of opposition parties and persons detained in conflict zones, usually rural areas, during combined police and military operations or simply military actions against subversive groups. The report also refers to harassment and intimidation against members of many non-governmental human rights organizations — including threatening telephone calls, anonymous threatening letters, office searches and slander campaigns in the media.

The various responses given by authorities during the mission asserted, *inter alia*, that: according to the Minister of the Interior, significant progress in the eradication of torture had been made in recent years as a result of the Federal Act for the Prevention and Punishment of Torture and the establishment of human rights commissions; torture was not a generalized practice although there were isolated cases which should not go unpunished; the government was trying to introduce programmes for improving the human rights culture in