



COMISIÓN MEXICANA DE DEFENSA Y PROMOCIÓN DE LOS DERECHOS HUMANOS, A.C. (CMDPDH)

Estatus Consultivo ante la Organización de los Estados Americanos (OEA)

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Summary of the report “Murders and Disappearances of women and girls in Ciudad Juárez and the State of Chihuahua”

Document presented to the UN Committee Against Torture
37th session

2005

fidh
Fédération internationale
des ligues des droits de l'Homme

General Context

The State of Chihuahua, in northern Mexico on the border with the United States of America, symbolizes the extreme vulnerability of women in the professional, social and private spheres. This stigmatization, within a context of economic liberalization and consequent deterioration of the social fabric, has been exacerbated by the prevalence of discrimination and indifference, in addition to the lack of effort and political will shown by the Federal, Chihuahua State and Municipal authorities in addressing the killings, investigating and prosecuting the perpetrators of the crimes against women, situation corresponding to what is generally known as "femicide".

From 1989, in Ciudad Juárez, brutal murders against women and girls have noticeably increased, presenting in most of the cases, signs of sexual violence and abuse. In 1993, the situation became more alarming inducing the civil and social organizations to express their concern about these crimes and the fact that they had been left in impunity.

Unfortunately, as it has now been repetitively pointed out, the impunity that characterizes the situation in Ciudad Juárez is a factor of propagation of the murders and disappearances of women with common traits to the city of Chihuahua, crimes that also present procedural irregularities in the investigations.

Since 1993, more than 430 women have been murdered and hundreds of women have disappeared in the State of Chihuahua. Also, it is worth mentioning that since the beginning of the year 2005, there have been 8 women murdered in Ciudad Juárez, and 3 in the city of Chihuahua. The inefficacy of the administration of justice in relation with these crimes is an indicator of how sexism is steeped in the State of Chihuahua, which hinders the adoption of public policies aiming at eradicating the killings and other forms of violence against women.

In fact, the response of the authorities has been and remains seriously insufficient for preventing gender-based violence and also presents inexplicable delays in initiating investigations when disappearances of women are reported and when criminal offenses against women are committed. Despite the fact that some suspects were sentenced in relation with the killings and disappearances of women, there have been flagrant contradictions and deficiencies in the proceedings, such as the systematic practice of torture to extort confessions and the use of this evidence in trials.

Developments concerning the practice of torture in the investigations on murders and disappearances of women and girls in Ciudad Juárez and the State of Chihuahua :

In 1998, Mr. Nigel Rodley, the former Special Rapporteur on Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, issued a report on Mexico, following an on site visit he had realized, in which he made recommendations and concluded that torture often took place during efforts by authorities to gather information that would allow prosecution of the victim.

The fact that the murders and disappearances of women continue to be perpetrated in the State of Chihuahua and remain in impunity, reveals the inconsistency of the Mexican State's commitment to fulfill its obligations in regard of the recommendations that have been issued on the situation of Ciudad Juárez.

Many cases of women's homicides that have been considered as "resolved" by the Chihuahua State Attorney General's Office (PGJE), contain allegations of torture and judicial errors that negated the right to a due process of law, such as in the cases of Víctor Javier García, Gustavo González (who died under suspicious circumstances in prison in February of 2003), Miguel David Meza, as well as Cynthia Kieker and Ulises Perzabal. These five suspects affirmed they were forced under torture to make self-incriminatory confessions, and consequently, the application of the Istanbul Protocol was requested.

Description of two particular cases:

- I. In 2001, Victor Javier García Uribe and Gustavo González Meza, two *maquiladora* bus drivers, known by their nicknames "El Cerillo" and "La Foca", were detained and accused of sexually assaulting and murdering eight women, whose mortal remains had been found in a former cotton field in Ciudad Juárez on November 6th and 7th, 2001¹. When they were presented to the Third Judge of the District Criminal Court on November 12th, they affirmed having been tortured while in custody and forced to confess their responsibility in these crimes. Nonetheless, they were detained in relation with these crimes. The irregularities in the proceedings continued when, Mario Escobar, González's defense lawyer, was killed in a police chase on February 5th, 2002. The police officers later claimed that they mistook him with a fugitive and that they shot in self-defense. Moreover, on February 8th, 2003, Gustavo González Meza died in prison after a hernia operation, before ever receiving a sentence. The authorities did not undertake any investigation to clarify the suspicious circumstances of his death and did not criminally sanction the officers involved in the death of Mario Escobar.

On September 8th, 2004, a group of six specialists of the Attorney General of the Republic (PGR) applied the Istanbul Protocol to Víctor Javier García Uribe. Until today, the results of this investigation procedure for the documentation of torture have not been presented. To issue the sentence on October 13th, 2004, the Judge Gustavo Muñoz Gamboa of the Third Criminal Court of the State of Chihuahua, based himself only on the confessions made by the accused, not taking into account the proofs and documentation that indicated that acts of torture had been committed to extort confessions.

Víctor Javier García was sentenced to 50 years of prison and a 6,052 pesos fine. Also, he was sentenced to pay a fine of 249, 205 pesos for the reparation of the damage caused by the criminal offenses against the eight women.

¹ The authorities revealed that the mortal remains of women that have been found could correspond to: Claudia Ivette González Banda, Laura Berenice Ramos Monarrez, Guadalupe Luna de la Rosa, María de los Ángeles Acosta Ramírez, Brenda Esmeralda Herrera Monreal, Verónica Martínez Hernández, Bárbara Araceli Martínez Ramos and to Mayra Juliana Reyes Solís. However, until now, all the studies and reports that were realized only coincide in the identification of one of the eight bodies: Brenda Esmeralda Herrera.

On July 14 2005, Víctor Javier García was released because there were not enough proof to charge him with the criminal offenses against the eight women.

On January 26 2006, his lawyer, Sergio Dante Almaraz Mora, was killed. The same day, before he died, Sergio Dante said that he lodged a complaint for the torture of Víctor Javier and said that he had informations about civil servants involved in the criminal offenses against the eight women.

- II. Neyra Cervantes Argueta disappeared on May 13th, 2003, in the city of Chihuahua after her classes at the computing school ERA (formerly ECO). In the following month of July, a body was found which was presumed to be Neyra's body. Her relatives identified the clothes allegedly found with the body as belonging to her. However, a functionary, without any clear judicial mandate to proceed this way, said to Jesús Argueta (Neyra's stepfather) and David Meza (Neyra's cousin who had come from Chiapas to Chihuahua to support his family in the researches after Neyra's disappearance), that they should stay in the offices of the Investigation Department in order to pass a polygraph test.

Meanwhile, Neyra's mother was brought to other offices in order to report the death of Neyra. When she came back, she was informed that her husband and nephew had been taken to the "C-4" (offices of the Chihuahua State Attorney General's Office –PGJE- where expert services are provided and where the mortal remain are placed when they are not identified). When she presented herself to these offices, she was told that they did not know Jesús Argueta nor Miguel David Meza.

Jesús Argueta and David Meza were tortured during many hours. Finally, Jesús Argueta was released without charge but David was forced to sign a confession in which he declared he had murdered his cousin.

Since David lived in the State of Chiapas and was not in Chihuahua when Neyra disappeared, the version that the police gave was that David had paid two men to sequester his cousin and that he later arrived in the city of Chihuahua to rape her, murder her and carry the body up a hill in order to hide it.

It is worth mentioning that there are no evidence that identifies Miguel David as the responsible for the murder of Neyra, on the contrary, the dossier presents many irregularities: also, a few weeks ago, some forensic anthropologists made tests on the Neyra's presumed body, that concluded the body in fact corresponds to a man's body, which corroborates that Miguel David is innocent, since there is no evidence of Neyra's death.

Until now, David is detained and is waiting to be sentenced. In February 2005, the Istanbul Protocol was applied to him in order that this documentation on torture be considered by the Judge that will pronounce a sentence against him in the next weeks.

This shows that there are no guarantees concerning the respect of the due process of law, there are no institutions that are able to ensure a real access to truth to put an end to the

crimes and provide to the victims a complete access to justice, situation that deteriorates even more the faith in administration of justice and in a serious and impartial prosecution.

It is worth mentioning that as long as the investigations will present irregularities such as fabrication of evidence and forced confessions in order to "resolve" the cases, a real access to justice will be denied, since the crimes continue to be left in impunity.

Therefore, the CMDPDH and FIDH would like to request to the committee Against Torture:

- To request the Government to carry out an appropriate investigation and, where applicable, sanction the functionaries that have practiced torture in order to obtain confessions.
- To request the Government to carry out an appropriate investigation and, where applicable, sanction those who should be held accountable of the femicides and disappearances of women and girls.
- To request the Government to adopt the reforms necessary to ensure that medical experts and public defenders can exercise their duties in a professional manner and independently from the Ministry of Public Affairs (*Ministerio Público*).
- To request the Government to systematically apply, in all the States of the Mexican Republic, the Istanbul Protocol in the cases of allegations of torture.
- To request the Government to revise legislation and criminal practice in order to protest before the judicial power the refusal of the Ministry of Public Affairs to investigate torture cases involving civil servants from this same instance.
- To request the Government to make relevant reforms of the Criminal Code of the State of Chihuahua, and the Code of Criminal Procedures of the State of Chihuahua, in order to ensure the inadmissibility of statements or confessions that are established to have been extorted under torture as evidences in legal proceedings, except against a person accused of torture as a proof that the statements have been made, in conformity with the article 15 of the United Nations Convention against torture and other cruel, inhuman or degrading treatment or punishment.
- To make a public statement on the situation of violence against women in the Municipalities of Juárez and Chihuahua and other violations of women's rights, urging the Mexican government to take all necessary actions to prevent and properly investigate the homicides and disappearances of women and girls; sanction those accountable for the crimes and ensure an integral reparation of the damages caused by the crimes, in compliance with the families of victims' right to remedies and reparation, and ensure that all the necessary actions will be taken and all appropriate strategies be developed to protect women's rights in the State of Chihuahua.
- To urge the Mexican State to take into account the allegations of torture against Víctor Javier García and conduct a serious and impartial investigation.
- To request the Government to promote the recommendations issued by the Special Rapporteur on Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment in 1998 and draw the attention of the Mexican State on the

recommendations that have not been taken into consideration and obligations that have not been fulfilled.