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JOYCE WILSON
CITY MANAGER

MAYOR AND COUNCIL

MEMORANDUM

TO: Mayor and Council
FROM: Susie Byrd, City Representative, District #2
DATE: April 4, 2011
RE: Re: Item #13B on City Council Agenda for April 5, 2011

Dear Mayor and Council:

Representative Ortega and I have placed the following item on the agenda for your consideration. We hope you will consider passing the attached resolution.

13B. Discussion and action on asking for a rigorous review by the United States to ensure a fair trial and the humane treatment of Shohn Huckabee and Carlos Quijas, two El Paso residents and United States citizens, currently imprisoned in Juarez.

Shohn Huckabee's father, Kevin, will attend the meeting tomorrow to discuss the circumstances of his son's and Carlos' incarceration in Juarez and the struggle the family has had in alerting both Mexican and American officials to concerns about human rights abuses and fair and due process.

In addition, please take a moment to read the enclosed articles detailing the case of Shohn Huckabee and Carlos Quijas in the context of larger concerns about Mexican military policing in Juarez.

There is also a detailed report by Amnesty International discussing many of the concerns that have been raised about the failure of the Mexican government to protect human rights. This report can be found at:
<http://www.amnesty.org/en/library/asset/AMR41/058/2009/en/e1a94ad6-3df1-4724-a545-f0b93f39af69/amr410582009en.pdf>

Thank you for your consideration.

Sincerely,

Susie Byrd
City Council Representative, District 2

Steve Ortega
City Council Representative, District 7

RESOLUTION

WHEREAS, Shohn Huckabee and Carlos Quijas are both El Paso residents and United States citizens;

WHEREAS, Shohn Huckabee and Carlos Quijas were pulled over by the Mexican military on December 18, 2009 for looking suspicious and then detained for allegedly transporting two suitcases of marijuana;

WHEREAS, Shohn Huckabee and Carlos Quijas allege that they were beaten and tortured by the Mexican military while being interrogated;

WHEREAS, Shohn Huckabee and Carlos Quijas further allege that the marijuana was placed in their truck by the Mexican military and had three witnesses who supported that allegation;

WHEREAS, one witnesses has since been killed and the two other witnesses have gone into hiding;

WHEREAS, the Mexican justice system presumes that all suspects are guilty and the burden is on the suspects to prove innocence, rather than on the State to prove guilt;

WHEREAS, under this system Shohn Huckabee and Carlos Quijas have been convicted and fear that their attempts to appeal the case will not be fair and just;

WHEREAS, over 5,000 complaints have been filed against the Mexican military with Mexico's National Human Rights Commission since 2006 and include allegations of robbery, rape, torture and killing;

WHEREAS, Kerrie Howard, the Deputy Director of Amnesty International's Americas Program has said, "There is a disturbing pattern of crimes committed by the military in their security operations, abuse that is being denied and ignored by both the civilian and the military authorities in Mexico";

WHEREAS, the United States, by supporting the Mexican military through billions of dollars in aid through the Merida Initiative, has said that they make the protection of human rights a condition of 15% of that financial support;

WHEREAS, the families of Shohn Huckabee and Carlos Quijas have worked tirelessly to get the attention and oversight of the U.S. Consulate, the Mexican Consulate and their federal representatives to ensure that Shohn and Carlos and others like them are treated humanely and fairly; and

WHEREAS, those attempts have not yet led to a vigorous review of the facts and the conditions of their incarceration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor and City Council request a vigorous review of the facts and conditions of the incarceration of Shohn Huckabee and Carlos Quijas to ensure that they are treated fairly through the judicial process and

THAT the Mayor and City Council request that further funding of the Merida Initiative be withheld until such time as the United States can ensure that the Mexican military is held to task for any violations of human rights.

ADOPTED THIS ____ DAY OF _____, 2011.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Charles F. McNabb
City Attorney

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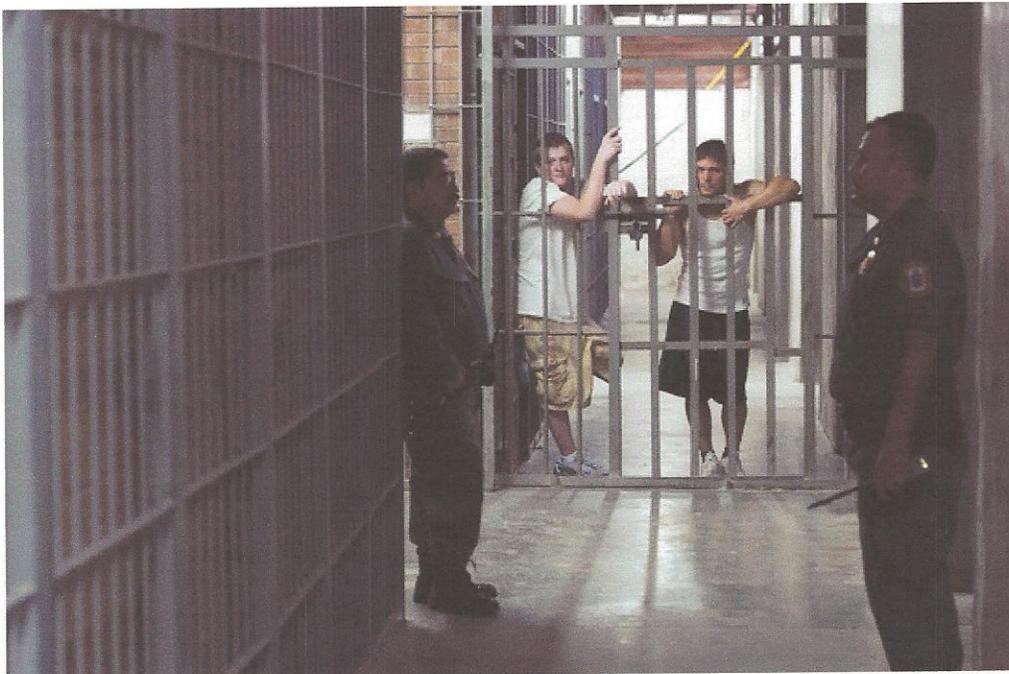
THE WALL STREET JOURNAL.

WSJ.com

AMERICAS NEWS | JULY 17, 2010

Inside Mexico's Drug War, Americans Allege Abuse

By NICHOLAS CASEY



Julian Cardona for The Wall Street Journal

Mr. Huckabee, left, and Carlos Quijas, right, say Mexican soldiers planted two suitcases of marijuana in their truck, then abused them during interrogation, allegations denied by the army.

CIUDAD JUÁREZ, Mexico—Two Americans were driving back to El Paso, Texas, last December after an afternoon across the border in Ciudad Juárez. A few blocks from the border, they were surrounded by Mexican army trucks and pulled from their Dodge Ram.

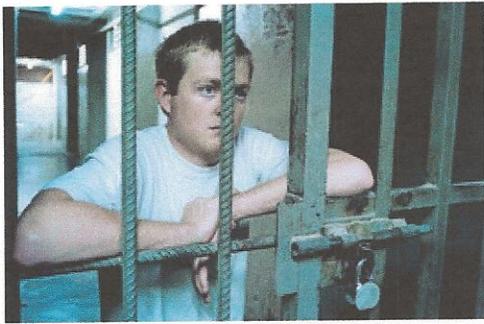


Violence escalates in the drug wars in Mexico as a car bomb set off by a cell phone kills at least three people. Deborah Lutterbeck reports. Video Courtesy of Reuters.

Mexico's military says it found two suitcases full of marijuana in the cab of the pickup truck. Two soldiers later testified that they drove the two Americans to a military compound on the outskirts of town, questioned them briefly, then turned them over to civilian authorities.

The Americans were charged with possession of marijuana with intent to sell.

Those two men—Shohn Huckabee, 23 years old, and Carlos Quijas, 36—are being held in a Ciudad Juárez jail. They tell a different story about what happened that night. They say Mexican soldiers planted the marijuana in their truck. When they arrived at the military base, they say, they were blindfolded, tied up, hit with rifle butts, shocked with electricity and threatened with death.



Julian Cardona for The Wall Street Journal

Shohn Huckabee in jail in Ciudad Juárez, where he faces drug charges after an encounter with soldiers.

Mexico's military is leading President Felipe Calderón's war against the nation's drug cartels, and Ciudad Juárez has emerged as one of the bloodiest battlegrounds. Nationwide, drug violence has claimed more than 25,000 lives since 2006—with government security forces accounting for an estimated 7% of the dead. In June alone, 103 police and soldiers were killed.

As the death toll rises, however, so have complaints about the military's tactics in trying to break the drug cartels' stranglehold on Mexican society. The human-rights office of the state of Chihuahua, where Ciudad Juárez is located, is investigating some 465 cases of alleged abuse and torture of Mexican citizens by soldiers. Gustavo de la Rosa, the office's ombudsman in Ciudad Juárez, says he knows of

about 70 cases in which soldiers are alleged to have planted evidence, including some involving suitcases packed with marijuana.

Allegations of mistreatment of suspects have caught the eye of the U.S. Senate committee that oversees financial aid to Mexico for its war on drugs. In an internal report, the Senate Foreign Relations Committee says it received allegations of serious human-rights violations in Ciudad Juárez last year. The report cites an unidentified young man picked up in El Paso who said he was arrested by the Mexican military in Ciudad Juárez and beaten and shocked. The man said he was released after the military concluded he had no useful information about trafficking, the report says.

Mr. Huckabee says he was subjected to similar tactics. "I believe what was done to me was torture," he said in an interview. "When I did not answer their questions, they shocked me with a wire that was in my hands. My whole body froze up. The pain went from bearable to a point where I couldn't even talk."

Mexican prosecutors say the two men were caught red-handed. Two soldiers involved in their arrest testified at their trial that they counted 99 packages of marijuana in the suitcases, weighing more than 100 pounds.

Mexico's Drug Killings

Nearly 23,000 people have died in drug-related violence since 2006, according to the government, with northern border states experiencing the worst of the violence.



Messrs. Huckabee and Quijas say they've never been involved with drugs and would never have tried to cross the border with two suitcases of marijuana. During their trial, they produced three witnesses who testified that they saw soldiers put suitcases into Mr. Huckabee's truck. A verdict is expected this month. Each man faces up to 25 years in prison.

Representatives of Mexico's military and of President Calderón turned down requests for interviews. In a written response to questions from The Wall Street Journal, the army said it briefly took the Americans to the military compound but didn't torture them. "We categorically deny that soldiers use these methods, and say their actions are in total adherence to the law," the statement said.

The army previously has dismissed complaints of abuse as the work of

The War on Drugs

Review key events in the fight to break the grip of Mexico's drug cartels.



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Reuters

Mexican soldiers inspect cars at a checkpoint near the bridge linking Ciudad Juárez and El Paso, Texas.

U.S.-Mexico border have risen over issues such as illegal immigration and the trafficking of U.S. firearms into Mexico. Under the 2007 Merida Initiative, the U.S. agreed to provide Mexico with \$1.3 billion to fight drug traffickers, including more than \$420 million for the Mexican military. U.S. lawmakers have threatened to withhold 15%—nearly \$200 million—if there are human-rights violations or other problems.

Mr. Huckabee grew up in El Paso. Friends recall he didn't have much taste for Ciudad Juárez, which before the escalating violence was known locally for teenage partying. On weekends, he was likely to be found hunting with his father or riding his dirt bike in the desert.

When he was 18, he borrowed money to start a small construction company, Site Solutions, a business that consumed much of his time. In 2008, he got married.

people allied with drug traffickers who want to drive soldiers out of Ciudad Juárez. "Many times they make human-rights complaints because they want to limit our capacity for action and besmirch the institution," said Brigadier Gen. Jesús Hernández Pérez, commander of the 4th Artillery Regiment, in an interview late last year.

The Wall Street Journal interviewed nine residents of Ciudad Juárez—some of whom had been convicted of crimes—who said they were tortured by soldiers at the main army camp on the outskirts of the city.

A 33-year-old forklift operator said he had a firearm pointed to his head and was told he would be killed during a 48-hour interrogation. Two brothers, ages 53 and 56, said the military put plastic bags over their heads, shocked them and staged mock executions. A 25-year-old construction worker said soldiers used a Taser to shock his testicles. A 54-year-old diabetic rancher said he was blindfolded, beaten and shocked on his testicles, elbows and hands. He showed a reporter scars.

Between 2006 to 2009, complaints to Mexico's National Human Rights Commission about the military grew tenfold, to about 4,000, including allegations of robbery, rape, torture and killing. The allegations threaten to undermine public support for President Calderón's military campaign against traffickers. Some 50,000 soldiers now patrol the country.

In its statement, the military said it doesn't use torture under any circumstance. In Mexico, soldiers answer to their own military court system and not to civilian authorities, which means states can't prosecute them for abuse.

The case of the two Americans comes as political tensions along the U.S.-Mexico border have risen over issues such as illegal immigration and the trafficking of U.S. firearms into Mexico. Under the 2007 Merida Initiative, the U.S. agreed to provide Mexico with \$1.3 billion to fight drug traffickers, including more than \$420 million for the Mexican military. U.S. lawmakers have threatened to withhold 15%—nearly \$200 million—if there are human-rights violations or other problems.

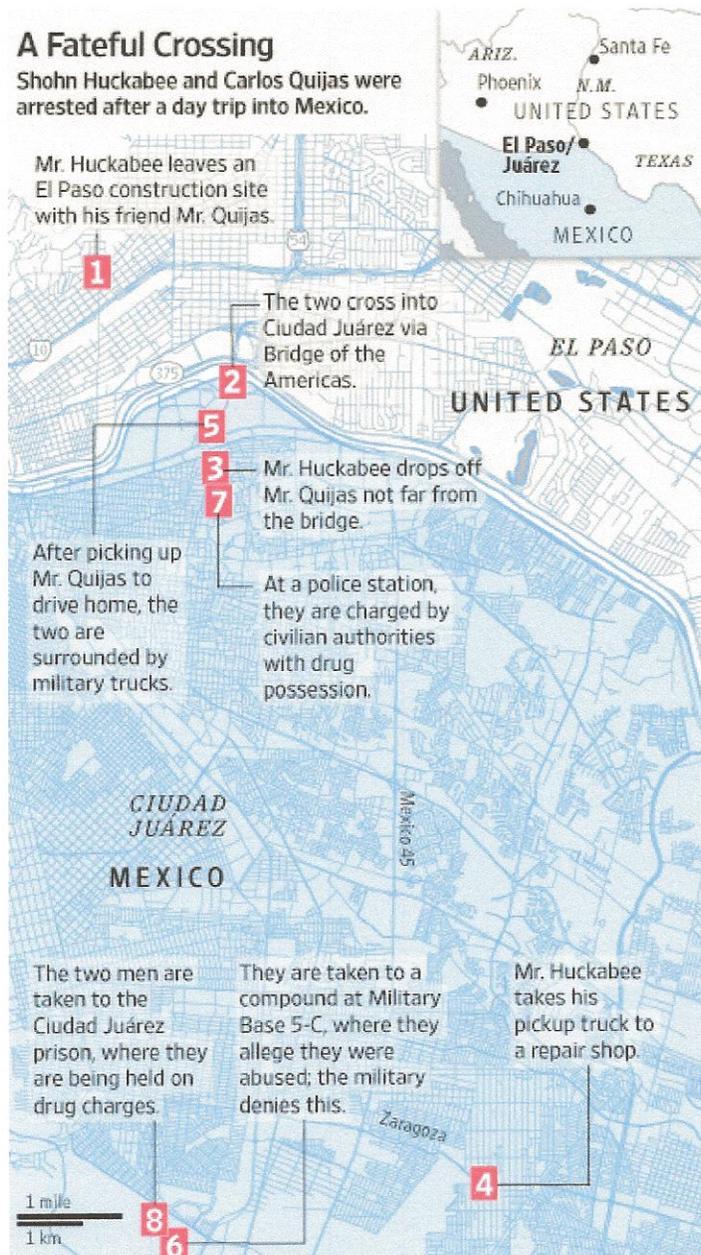
Mr. Huckabee grew up in El Paso. Friends recall he didn't have much taste for Ciudad Juárez, which before the escalating violence was known locally for teenage partying. On weekends, he was likely to be found hunting with his father or riding his dirt bike in the desert.

When he was 18, he borrowed money to start a small construction company, Site Solutions, a business that consumed much of his time. In 2008, he got married.

Records searches in El Paso County and in New Mexico reveal that Mr. Huckabee had been charged with speeding and illegal dumping, but contain no indication of involvement with drugs. The records showed no criminal trouble for his close friend Mr. Quijas, whom Mr. Huckabee had gotten to know on construction jobs.

On Dec. 18, Mr. Huckabee finished work midday and prepared to head to Ciudad Juárez to take his father's pickup truck for some inexpensive repair work, he and his father say. With him was Mr. Quijas, who says he had asked for a ride across the border to visit an ill grandfather.

Mr. Huckabee says he dropped Mr. Quijas off around 1 p.m., then drove to a repair shop and waited there. The repairs were finished around sunset, close to 5 p.m., according to the mechanic who did the work.



Mr. Huckabee says he made his way through rush-hour traffic and found Mr. Quijas at Abraham Lincoln Street, not far from the Bridge of the Americas leading into Texas. Around 6:40 p.m., the two say, they were passing *Los Caballos*, a well-known monument of running horses, when their car was surrounded by three Mexican military trucks.

"They grabbed us and threw us under a bench" in the back of a truck, says Mr. Huckabee. Their shirts were pulled over their heads as blindfolds, they say. The soldiers drove about a half hour to a military compound.

The two Americans were ordered out. Mr. Huckabee says a soldier pulled his wedding ring off his finger. (Neither the ring nor a cellphone taken earlier have been returned, he says.) The two men were separated. Each was examined by a doctor.

Mr. Quijas, who speaks both Spanish and English, says his eyes were wrapped with medical gauze. An interrogator, he says, asked him about the whereabouts of various people, using nicknames he didn't recognize. He says his interrogator threatened that some other men would force him to talk.

Mr. Quijas was moved to another room, he says, where his hands and feet were tied. He was wetted down with water, and he could hear the hum of a machine, he says.

Then someone shocked him with a metal rod on his testicles, neck, legs, back and anus, he says. He was taken back to the interrogator, questioned,

then shocked again, he says.

Elsewhere, Mr. Huckabee, who speaks little Spanish, was being questioned, too. He was still blindfolded. His

interrogator, he says, put objects in his hand, including what seemed to him to be drug paraphernalia, and asked him, in broken English, where they came from. He says he replied that he didn't know. Soldiers struck him repeatedly with the butt of a rifle, he says. Someone put a gun to his head and pulled the trigger, he says, but it wasn't loaded.

Briefly, the two Americans were put together in a cold room. Then, Mr. Huckabee, still blindfolded, was taken away again, he says. He says he heard a voice telling him, in fluent English, that he had been caught with marijuana, cocaine and guns. He says he was told to put a wire into his hand.

When he denied knowing about the marijuana, he says, he was shocked. He was shocked repeatedly during the questioning, he says. "They said they could electrocute me if I didn't answer the truth," he says.

Court documents say the two men were booked between midnight and 1:30 a.m. on Dec. 19—roughly five or six hours after the time they say they were arrested. They were charged with drug possession and transferred to the municipal prison.

The following day, in a statement entered into the court record, Mr. Huckabee said he had been hit by soldiers and given "electric shocks." He says he discussed his treatment when visited by a U.S. consular officer on Dec. 19. A U.S. official says Mr. Huckabee didn't mention mistreatment until Dec. 28.

American officials say U.S. consulates see numerous cases every year of Americans arrested in Mexico, and the consulates don't get involved in defending them. Consular officials informed Mr. Huckabee's family that they couldn't represent their son or offer legal advice.

Neither Mr. Huckabee nor Mr. Quijas made a formal complaint with U.S. or Mexican authorities, saying they feared retaliation by soldiers then working at the jail. In the trial, they accused their captors of torture. The soldiers denied doing so.

Two medical examinations describe the condition of the Americans following their arrest. The first, conducted by a military doctor the night they were detained, found "no apparent harm" on either man. The military said the exam took place at 10:45 p.m.

Another doctor, Dr. Hugo Tabares, examined the men at 2:50 the following afternoon, after they were handed over to civilian authorities. He found bruising on both men, according to a report he filed that day. He reported a reddish-brown bruise on Mr. Huckabee's chest and several bruises on Mr. Quijas's right arm and left leg.

In a brief interview in his office, Dr. Tabares said there were "various bruises" on Mr. Huckabee's body that "could have been caused the previous day." He declined to speculate on the cause of the injuries. In a statement to the court, on Feb. 3, Dr. Tabares said the bruising had been "caused by a blunt instrument or object."

The military said in its statement to the Journal that it didn't know of Dr. Tabares's exam and had no comment on it.

In the Mexican judicial system, testimony isn't given in an open courtroom before a jury, but in office cubicles in front of lawyers. Typically, neither the judge nor the defendant is present. The judge rules based on the transcript and case file.

The trial of the two Americans unfolded in scattered hearings over the past six months. Two soldiers involved in the arrest testified that they searched the vehicle because the Americans were "acting nervously." The search, prosecutors said, turned up the two suitcases filled with a substance that later testing showed was marijuana. Prosecutors said it belonged to the two men.

Testimony from three Mexican witnesses at the scene—people who said they didn't know the Americans—contradicted the army's version of events.

José Antonio Bujanda, 21, told the court on Feb. 26 that he saw soldiers pull over Messrs. Huckabee and Quijas while he was washing windows of cars lined up to cross the bridge into Texas. He said he saw soldiers plant the suitcases in Mr. Huckabee's gray Dodge Ram.

"The two soldiers went to their own truck. I saw them take out two suitcases, then put them in the gray truck," he said.

Abraham Antero Torres, a 19-year-old candy seller, testified that he saw the same. "The military men that were behind took out two black traveler's suitcases and put them into the Ram, and that was it," he said.

A third witness, Fernando Monsiváis, another window washer, told the court: "The soldiers put the suitcases in the truck, the young men's truck."

Mr. Bujanda was shot and killed in front of his home by an unknown assailant on July 2. Attempts to reach Messrs. Torres and Monsiváis to comment were unsuccessful.

Alejandro Dominguez, a fingerprint expert hired by Mr. Huckabee's family, testified in March that the marijuana packages showed no signs of his fingerprints.

Court transcripts show a contradiction between when the Americans say they were arrested, at 6:40 p.m. on the road, and the official military account, which puts the time three hours later in a parking lot alongside the road. Under the military's timeline, the pair were arrested, taken to the base, then immediately taken to civil authorities, as Mexican law requires, leaving no time for lengthy interrogation.

A record of Mr. Huckabee's cellphone calls that evening, provided by his family, appears consistent with his account. The bill shows calls made throughout the day, ending at 6:38 p.m., minutes before he says he was arrested.

Mr. de la Rosa, the ombudsman of the state human-rights office in Ciudad Juárez, offers one theory about why the truck was stopped. A Mexican relative of Mr. Quijas whose name is similar, he says, is believed to be involved in the drug trade in town. Mr. de la Rosa speculates that the arrest may have been a case of mistaken identity. Mr. Quijas, who says he doesn't know his relative well, says that when he arrived at the jail, other inmates confused him with the relative.

Mr. de la Rosa says that if the soldiers confused Mr. Quijas with his relative, they wouldn't necessarily be inclined to turn him loose once they discovered his true identity. Winning a conviction, he says, would undermine potential complaints from the two men about abuse.

In its statement, the military said there was no confusion over the men's identities.

As they await a verdict, the two Americans share a cell with four other prisoners on the second floor of the Ciudad Juárez Center for Social Readaptation. The crowded facility houses some dangerous men. In June, three prison employees were shot by gang members.

Mr. Huckabee says defending himself in a foreign land hasn't been easy. A translator recruited for one hearing this spring, according to the transcript, said: "I don't speak English very well." The hearing continued.

Mr. Huckabee has been through five defense lawyers, none of whom speaks English. One lawyer who reviewed the case said recently he believed that crimes result from "demons entering the body and taking control, as Paul says in the Bible." One of his lawyers was shot and wounded in May, while exiting the prosecutor's offices.

—José de Córdoba contributed to this article.

Write to Nicholas Casey at nicholas.casey@wsj.com

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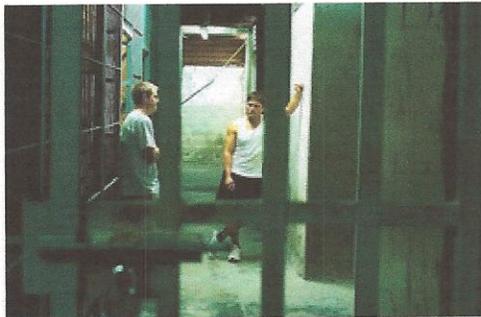
AMERICAS NEWS | SEPTEMBER 3, 2010

Pair Convicted of Drug Trafficking in Mexico

By NICHOLAS CASEY

CIUDAD JUAREZ, Mexico—Two Americans detained last year by soldiers who said they found two marijuana-filled suitcases in their truck were found guilty of drug trafficking by a Mexican court.

Shohn Huckabee, 23 years old, and Carlos Quijas, 36, were sentenced to five years in prison by a judge here Wednesday. The men said Thursday that they will appeal the verdict.



Julian Cardona for The Wall Street Journal

Shohn Huckabee, seen in jail in Mexico, is appealing his guilty verdict.

"We aren't guilty," Mr. Huckabee said in an interview at a Ciudad Juarez jail Thursday. "The judge didn't take into account the evidence that was in our favor."

Soldiers testified at the trial that they found two suitcases containing more than 100 pounds of marijuana in the men's pickup truck last December. Soldiers detained the men near the bridge that links Ciudad Juarez with El Paso, Texas.

Mr. Huckabee and Mr. Quijas allege the soldiers planted the drugs in the truck they were driving.

The pair also allege they were beaten, given electric shocks and threatened with death during an interrogation at a military base before they were handed over to civilian authorities.

In a written statement in June in answer to questions by The Wall Street Journal, the Mexican military denied that soldiers had planted any evidence or tortured the men and said the two were taken to a military compound but questioned there only briefly.

Previously

Inside Mexico's Drug War, Americans Allege Abuse
07/17/10

Three witnesses at the trial testified they had seen soldiers plant the marijuana-filled suitcases in the Americans' vehicle.

One of those witnesses later was shot dead in front of his home. The two others appear to have fled Ciudad Juarez and could not be located

to comment.

The government human rights office of Chihuahua, the state where Ciudad Juarez is located, said it is investigating the Americans' torture allegations. An official there said the office is investigating more than 60 other incidents in which the military is believed to have planted evidence later used in a trial.

U.S. officials have also become involved. The U.S. consulate in Ciudad Juarez says it sent an official in June to meet with the judge handling the case, in what consular officials said was a highly unusual move.

"We will continue to monitor the developments in the case," a spokeswoman for the consulate said Thursday.

Mexican diplomats stationed at the country's consulate in El Paso met with Mr. Huckabee and Mr. Quijas on Thursday morning and asked the men about their torture allegations.

Mexican consular officials wouldn't normally be involved in the case of Americans accused of crimes in Mexico. The diplomats were ordered to visit by the Mexican ambassador to Washington, they said.

Since 2006, the Mexican military has spearheaded Mexican President Felipe Calderón's war against the country's powerful drug cartels.

In 2007, the U.S. agreed to provide Mexico with \$1.3 billion to fight drug traffickers, including more than \$420 million in funding for the Mexican military.

U.S. lawmakers have threatened to withhold 15% of that money if there is evidence of human-rights violations or other problems.

A decision is expected soon on whether Mexico is meeting its requirements.

On Thursday, the parents of both men said they had begun the appeals process.

"We registered an appeal," said Kevin Huckabee, Shohn Huckabee's father.

But he said that after the trial court's guilty verdict, he wasn't optimistic. "I think it's already given what the verdict is going to be" in the appeals court, he said.

In the Mexican judicial system, trials begin with a strong presumption of guilt against the accused. Some legal academics estimate that 8 out of 10 cases end in a guilty verdict.

In 2008, Mexico approved changes aimed at strengthening defendants' positions in trials.

Write to Nicholas Casey at nicholas.casey@wsj.com

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November 4, 2010

Advertisement

Amnesty accuses Mexican military of torture

December 08, 2009 | By Arthur Brice, CNN

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The Mexican military has tortured and illegally killed citizens and committed other serious human rights violations as it battles the nation's drug cartels and organized crime groups, Amnesty International said in a report Tuesday.

The human rights group accuses authorities of failing to investigate allegations of abuses by the military, including abductions, extrajudicial and other unlawful killings, torture, ill treatment and arbitrary detentions.

"There is a disturbing pattern of crimes committed by the military in their security operations, abuse that is being denied and ignored by both the civilian and the military authorities in Mexico," said Kerrie Howard, deputy director of Amnesty International's Americas program.



An Amnesty International report points to a "growing trend of abuses" as Mexico's military battles drug cartels.

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The Mexican government issued a statement late Tuesday saying the country's interior secretary will analyze the report carefully and will make recommendations at the appropriate time.

"The federal government recognizes the work that the armed forces are doing in combatting crime and organized delinquency," the statement said. "At the same time, the government recognizes the consequences its actions could generate in its contact with the citizenry, so it has adopted preventive measures.

"In this sentiment, the Mexican government has full intent and ability to punish authorities and public servants who could commit any violation of human rights in the exercise of their functions and duties."

Mexican President Felipe Calderon did not address the report but mentioned human rights at a ceremony Tuesday.

"It is time to redouble our efforts to leave our children the Mexico that we want, and that Mexico that we want should be, of course, a Mexico that scrupulously respects the fundamental rights of people," Calderon said.

Analysts said Mexican officials are keenly aware of the situation.

"It's an issue that has raised concern on both sides of the border," said Andrew Selee, director of the Woodrow Wilson Center's Mexico Institute. "It's an issue that everybody's talking about."

The Mexican military has played an increasingly important role in the war on drug cartels that Calderon declared after assuming office in December 2006. Nearly 50,000 troops have been posted nationally to troubled areas such as Ciudad Juarez, where vicious drug gangs have outmatched and outgunned local and state police.



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