

MINNESOTA



ADVOCATES
FOR HUMAN RIGHTS

CIVILIANS AT RISK:

Military and Police Abuses in the Mexican Countryside

August 1993

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Minnesota Advocates for Human Rights*

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EDITOR'S PREFACE

For most of this century, Mexico has been spared the degree of military intervention in domestic affairs that has afflicted most Latin American countries. There has been no coup d'état since the Mexican Revolution, and the last president to emerge from the ranks of the armed forces left office in 1946.

This is no accident. The disastrous effects of military rule in the 19th and early 20th centuries created a consensus that led to a constitutional prohibition of military involvement in domestic affairs. Article 129 of the Constitution specifies that "in time of peace, no military authority may exercise any functions other than those precisely related to military discipline."

To be sure, this prohibition has not always been respected, especially by Mexican presidents worried about losing their grip on power. In 1968, President Gustavo Díaz Ordaz ordered the army to suppress student demonstrators who were demanding a greater measure of democracy. Troops using tanks and automatic weapons attacked a large but peaceful gathering of students in Mexico City's Tlatelolco Plaza, killing several hundred. In the late 1960s and early 1970s, the military's *brigadas blancas* (white brigades) carried out "disappearances" of suspected dissidents in the cities, while the army waged a brutal counterinsurgency campaign in the rural state of Guerrero that made little distinction between combatants and civilians. Yet once the perceived threat to Mexico's political system subsided in the mid-1970s, so (for the most part) did the abuses under the presidencies of José López Portillo (1976-1982) and Miguel de la Madrid Hurtado (1982-1988).

It is therefore troubling to observe signs of renewed involvement of the military in civilian affairs during the administration of President Carlos Salinas de Gortari (1988-1994). That involvement began shortly after the new president's inauguration, and initially was aimed at reinforcing the strict controls over labor and elections by which the Institutional Revolutionary Party (PRI) has held a monopoly of power in Mexico for 64 years. In January 1989, President Salinas dispatched army units to Ciudad Madero in the northern state of Tamaulipas to arrest Oil Workers Union leader Joaquín Hernández Galicia ("La Quina"), who had broken ranks with the PRI by quietly supporting opposition leader Cuauhtémoc Cárdenas in the 1988 presidential election. In August 1989, the president sent five thousand troops to take over the Cananea copper mine in the northwestern state of Sonora; the preemptive seizure broke the back of the union as the government prepared to sell the mine to private investors.¹ In April 1990, Salinas ordered columns of tanks and armored personnel carriers into the central state of Michoacán (a Cárdenas stronghold) to dislodge citizens who had occupied town halls to protest fraud in state and municipal elections.²

More recently, the Salinas administration has been increasing its reliance on the military in its anti-narcotics campaign. The militarization of the drug war is, in large measure, a result of the government's inability or unwillingness

1. The mine was sold to Jorge Larrea, a close friend of President Salinas.

2. "Militares y judiciales, juntos, evacuaron las alcaldías en Michoacán," *Proceso*, April 9, 1990, pp. 6-11.

to pursue serious reform of the police. The Federal Judicial Police, Mexico's counterpart to the FBI, has become doubly discredited by revelations that many of its top commanders have been working for the drug cartels, and by a pattern of serious human rights violations exposed by Mexican and international human rights organizations. Two earlier reports published by the North America Project -- *Justice Corrupted, Justice Denied* (Nov. 1992) and *Six Months After the U.N. Verdict* (May 1993) -- documented the continuing pattern of impunity for abuses of human rights by officials of the Federal Judicial Police.

There is by now reason to question the effectiveness of the military in its new assignment, particularly since there are indications the drug cartels have purchased influence there as well. One sign of that influence surfaced with the killing of seven Federal Judicial Police agents by an army unit at Tlalixcoyan, Veracruz, on November 7, 1991. The agents were in hot pursuit of a small plane laden with cocaine from Colombia. When the police plane landed at the clandestine airstrip after radioing its intentions to the military, its occupants were gunned down by soldiers as the drug traffickers escaped. Despite the presence of a refueling truck and the fact that two of the dead agents had been shot in the back, and one had powder burns in the mouth, the government persisted in presenting the incident as a case of confusion and mistaken identity.³ Though a public outcry eventually led to the arrest of the commanding general on charges of homicide, the government avoided blaming the military for the massacre, and did not pursue the trail of evidence suggesting the army unit may have been preparing to refuel the smugglers' plane, and fired on the police to cover the smugglers' escape.⁴

Another disturbing development is the deployment of the army among the indigenous populations of southern Mexico -- especially in Chiapas -- where long-simmering land conflicts have been aggravated by the government's agrarian policy. In December 1991, President Salinas amended the Constitution, terminating the redistribution of land initiated after the Mexican Revolution, and allowing communal landholdings known as *ejidos* to be subdivided and sold. This policy has been resisted by communities of indigenous origin for two reasons. First, because it violates a centuries'-old tradition of communal landholding. And second, because these communities already felt betrayed by the government's unwillingness to enforce agrarian reform titles assigned to them many years ago, but held up by powerful landholders with close ties to the government. Symbolizing those close ties is Patrocinio González Garrido, who, as governor of Chiapas, developed a reputation for ruthlessness by imprisoning hundreds of members of indigenous communities, as well as federal employees and priests who have supported their cause.⁵ In January of this year, President Salinas appeared to signal an intensification of hard-line policies in

3. "Testimonios e investigaciones coinciden: los siete judiciales fueron acribillados a mansalva," *Proceso*, November 18, 1991, pp. 6-11.

4. "Six Indicted in Drug Agents' Deaths," *Washington Post*, January 14, 1992, A12.

5. See *Conquest Continued: Disregard for Human and Indigenous Rights in the Mexican State of Chiapas*, a report by Minnesota Advocates for Human Rights, October 1992. Also "Patrocinio liberará a 9 tzeltales, sólo si retiran la demanda ante la CNDH," *Proceso*, January 13, 1992, p. 31.

rural Mexico with the appointment of González Garrido as Secretary of Government, the federal cabinet post in charge of maintaining internal order.

The effect of these policies on human rights in rural Mexico is meticulously documented in the following report prepared by Minnesota Advocates for Human Rights. Based in Minneapolis, Minnesota Advocates has devoted special attention to Mexico, in recognition of growing ties with that country as its economy gradually becomes integrated with those of the United States and Canada. In previous reports, Minnesota Advocates has documented the routine use of torture in criminal investigations, as well as the use of covert agents (*madrinas*) by the police. In its last report, Minnesota Advocates argued the need for an independent system of human rights enforcement, and called on both Mexico and the United States to participate fully in the inter-American system of human rights.

After years of working in Mexico in collaboration with domestic human rights organizations, and extensive field work in Chiapas and Chihuahua in preparation for this report, Minnesota Advocates has established itself as one of the foremost authorities on the subject of human rights in Mexico. In the ensuing report, that expertise is manifest both in the thoroughness of the analysis and in the compelling logic of the conclusions and recommendations.

Underscoring the urgency of the proposed reforms is a late-breaking report of extrajudicial executions by the military in Chihuahua. According to witnesses, a unit of the "Marte" Task Force based in Badiraguato, Sinaloa, executed five men they had detained on an airstrip at Ciénega Prieta, Chihuahua, on June 23, 1993. The men had apparently been tortured for more than an hour before being shot, and their bodies were covered with bayonet wounds.⁶

Significantly, this is the first report by a human rights organization to focus on human rights abuses by the Mexican military. In so doing, it breaks Mexico's taboo on criticism of the military, second only to the taboo on criticism of the president and the presidency. If Mexico is truly to modernize and develop the vibrant civil society essential to the fulfillment of human rights, such taboos will have to be broken for good, so that no person or sector of society is beyond criticism -- and beyond the reach of the law.

Andrew A. Reding
Director, North America Project

6. Alejandro Gutiérrez, "No hubo enfrentamiento; en Mesa de la Guitarra fueron ejecuciones," *Proceso*, July 5, 1993, pp. 16-17.

I. INTRODUCTION AND SUMMARY OF FINDINGS

This report documents human rights abuses by the Mexican military and police in rural areas inhabited by people of indigenous ancestry. It is the product of a seven-month study by Minnesota Advocates for Human Rights¹ that included on-site investigations in the Mexican states of Chihuahua in November 1992 and Chiápas in May 1993, as well as meetings with the Mexican National Human Rights Commission and with military officials.

The report documents a series of incidents that took place in the Mexican states of Chihuahua in autumn 1992 and Chiápas in spring 1993. In the week of October 26, 1992, following the killing of a soldier near Baborigame, Chihuahua, at least 25 soldiers engaged in a week-long campaign of arbitrary detention, beatings, and torture against indigenous Tepehuan residents.

In Chiápas, on March 28-29, 1993, following the disappearance and presumed killing of two soldiers, approximately 400 soldiers and a handful of police arbitrarily detained, searched, and beat civilians in two Tzotzil villages. Police tortured a number of those detained. On April 25, about 200 police returned to the same village, searched and looted homes, and again interrogated and tortured villagers. On May 8, some 400 police in at least 47 vehicles returned to the village, only to find it had been deserted. When the Minnesota Advocates' fact-finding team visited the village of San Isidro on May 25, it was still entirely deserted.

This report also documents a third incident that occurred while the Minnesota Advocates' fact-finding team was in Chiápas. On May 24, 500 to 1000 soldiers detained the entire Tzeltal population of Pataté Viejo for two hours while they conducted house-to-house searches. Villagers reported to Minnesota Advocates that eight unarmed residents were taken by the soldiers. These eight Mexicans were originally charged with possession of illegal weapons. The military subsequently claimed the detainees were arrested, while armed, fleeing from the scene of a shootout with soldiers. The military never contested that the detentions took place at least a full day after the alleged shootout. Several witnesses have contested the military version of events, saying the detainees were not armed when arrested, but were taken from their homes and work places in a military sweep of the Pataté community. Given the suspicious circumstances of their detention, Minnesota Advocates calls for the release of the detainees unless the authorities come forward with credible evidence against them.

1. Minnesota Advocates for Human Rights, founded in 1983, is a nongovernmental organization of one thousand members that works to promote and protect international human rights. Given the close and growing connection between the countries of North America, Minnesota Advocates is particularly committed to documenting human rights conditions in Mexico. An overview of recent human rights issues in Mexico is included in the most recent Minnesota Advocates report, *No Double Standards in International Law: Linkage of NAFTA with hemispheric system of human rights enforcement is needed -- Canada, Mexico, and the United States must become full partners in the Inter-American System of Human Rights* (December 1992) [hereinafter *No Double Standards*].

Whether or not the military account of events in Ocosingo is correct, the detention of villagers and search of homes in Pataté was clearly illegal. The Mexican Constitution prohibits the military from any form of law enforcement involving the search of homes or detention of civilians.

Minnesota Advocates finds that lawless practices of the Mexican military have become increasingly tolerated at the highest levels of Mexican government. To date, there has been no official reprimand of the illegal military detentions in San Isidro or Ocosingo, let alone prosecution for criminal wrongdoing. Moreover, statements by the Secretary of Defense suggest that house-to-house searches of whole villages and the mass detention of civilians is now the officially sanctioned response to the threat of guerrilla activity.

The growing acceptance of lawless military involvement in detentions and searches among civilian populations is a dangerous development. This is especially true for people of indigenous ancestry,² because the power of the Mexican military is particularly pronounced in the rural areas where their numbers are greatest. As documented by Minnesota Advocates in the past, indigenous people in remote areas are often singled out for discrimination and abuse.³ Violent land conflicts often pit these poor farmers against powerful landholders, and the authorities frequently side with the latter.⁴ Indigenous people are particularly vulnerable to such abuse because they are poor and politically powerless, and have few independent institutions to defend their rights. Many indigenous people speak their native language rather than Spanish, and are cut off by lack of electricity or telephone links. When abuses occur, the authorities can usually count on word of the abuses not spreading.

In each of the incidents described, the stated reason for military action against civilians was that soldiers were investigating the killing of other soldiers. The military's official objectives -- monitoring drug trafficking, destroying drug crops, searching for guerrillas along the border with Guatemala -- are inherently dangerous and may lead to soldiers being fired upon or killed. Violence of this kind does not justify the suspension of the rights of civilians under international human rights law or under the Mexican Constitution. So long as the military is allowed to conduct arbitrary detentions of civilians and operate outside the bounds of Mexican law, operations in these remote regions pose a serious danger to the rights of the civilian population.

2. People of indigenous ancestry are descendants of the population that inhabited Mexico before the European conquest. Many indigenous people have intermarried and become assimilated with descendants of the Europeans. These people of mixed ethnic ancestry are known as *mestizos*. An estimated nine percent of the Mexican population (about seven million persons) have not assimilated, however, and still speak their own indigenous languages. *Instituto Nacional Indigenista, Programa Nacional de Desarrollo de los Pueblos Indios 1991-1994*, 11 (1991). The ethnic groups represented in this report are the Tepehuan of southwestern Chihuahua and the Tzotzil and Tzeltal of Chiapas.

3. *Conquest Continued: Disregard for Human and Indigenous Rights in the Mexican State of Chiapas*, 1 (1992) (hereinafter *Conquest Continued*).

4. See discussion *infra*, p. 21.

In addition to these new findings regarding the military, this report also confirms a pattern of abuses already well documented by the United States Department of State,⁵ the United Nations Committee Against Torture,⁶ Minnesota Advocates for Human Rights,⁷ and other non-governmental human rights organizations:⁸ that the Mexican police engage in the systematic use of torture, and that a "culture of impunity" allows documented human rights abusers to go unpunished. Despite credible allegations by human rights groups of torture by soldiers in the region of Baborigame and police in the region of San Isidro, there has not to date been a single prosecution for torture in any of the cases documented in this report.

The Mexican government's National Commission on Human Rights (*Comisión Nacional de Derechos Humanos* or CNDH) has largely failed in its constitutionally mandated role as a check on official authority in the cases documented in this report. In Baborigame and San Isidro, the CNDH was presented with evidence of torture but did not call for its prosecution. The CNDH has shown particular deference to the military, absolving it of any wrongdoing in San Isidro despite the presence of hundreds of soldiers as abuses took place, and evidence suggesting their active involvement in detentions, interrogations, beatings, and other acts of intimidation.

The CNDH has also contributed to the hostile climate for independent human rights monitoring by repeating apparently unfounded military allegations that the Chiápas-based human rights group, the *Centro de Derechos Humanos Fray Bartolomé de las Casas*, coached witnesses to fabricate testimony. The CNDH also suggests the *Centro* is to blame for the illegal delay in the release of detainees from San Isidro by the Public Prosecutor. Minnesota Advocates' independent investigation corroborates many of the claims made by the *Centro* and finds the work of the organization generally thorough and responsible.

5. "[T]here continue to be human rights abuses in Mexico, many of which go unpunished, owing to the culture of impunity that has traditionally surrounded human rights violators. These violations include the use of torture and other abuses by elements of the security forces. . . ." Comm. on Foreign Affairs, 103d Cong., 1st Sess., *Country Report on Human Rights Practices for 1992*, 440, 441 (1993).

6. U.N. Committee Against Torture, 9th sess., 131st mtg. at 2-6, U.N. Doc. CAT/C/SR. 131/Add.2 (Feb. 8, 1993).

7. Minnesota Advocates has published the following reports on abuses by Mexican law enforcement officials: *The Homicide of Dr. Victor Manuel Oropeza Contreras: A Case Study of Failed Human Rights Reforms in Mexico* (1991) [hereinafter *Oropeza Report*]; and *Paper Protection: Human Rights Violations and the Mexican Criminal Justice System* (1990). In an overview report on human rights conditions in Chiápas, abuses by law enforcement officials were also found to be significant. *Conquest Continued*, *supra* note 3, at 8.

8. *Human Rights in Mexico: Hearings before the House Comm. on Small Business*, 103rd Cong., 2nd Sess. ____ (June 29, 1993), statement of Juan E. Méndez, Executive Director, Americas Watch; Amnesty International, *Mexico: The persistence of torture and impunity* (June 1993); Red Nacional de Organismos Civiles de Derechos Humanos, *La Impunidad Persistente* (April 1993).

Minnesota Advocates calls on the military and the CNDH to issue public statements substantiating or retracting their allegations against this human rights organization.

The cases documented in this report demonstrate a fundamental lack of respect for the rule of law on the part of the Mexican military and police. The Mexican Constitution provides safeguards that would ensure the protection of international human rights -- if Mexican law were enforced. High level official tolerance for lawlessness on the part of the military and police demonstrates the need for a more fundamental commitment to the protection and enforcement of human rights at all levels of the Mexican government, the military, and the criminal justice system.

II. FINDINGS⁹

Chihuahua, Autumn 1992

On October 17, 1992, 2nd Lt. Miguel Angel García Bautista, of the infantry unit Force Tarea Marte XX based in Baborigame, was shot dead. According to military authorities, the unit was taking part in a campaign against drug traffickers in the region of Baborigame, in the southwest corner of the Mexican state of Chihuahua, and García Bautista was killed in the line of duty.¹⁰ The military's prime suspect was Juan Chaparro Carrillo, an indigenous Tepehuan man allegedly found guarding a marijuana field. Chaparro Carrillo evaded capture and has never been brought to trial.

Following the murder of Lieutenant García, soldiers from Force Tarea Marte XX went on a rampage against the Tepehuan residents of six villages and isolated homes in the area around Baborigame. According to an official report submitted to the State Attorney General's Office of Chihuahua,¹¹ a report by the Chihuahua-based human rights group COSYDDHAC,¹² and a report by the

9. Unless otherwise noted, the factual findings that follow are based on interviews by Minnesota Advocates for Human Rights with the individuals affected. Second-hand accounts of facts are included only when they are undisputed and do not conflict with official accounts of the situation.

10. National Ministry of Defense, *Press Release* (December 4, 1992) [hereinafter *Military Press Release* (December 4, 1992)].

11. Memorandum from Francisco Carlos Uranga Orona, Ministerio Público (agent of the State Attorney General) to Francisco J. Molina, State Attorney General, Chihuahua, Chihuahua (October 30, 1992) [hereinafter *Memo to the State Attorney General*].

12. Comisión de Solidaridad y Defensa de Los Derechos Humanos, A.C. (COSYDDHAC), *Informe de COSYDDHAC Sobre Violaciones a Derechos Humanos a Familias Indígenas Tepehuanes en Baborigame, Municipio de Guadalupe y Calvo, Sierra Tarahumara Región Sur, Estado de Chihuahua, México* (December 2, 1992) [hereinafter *COSYDDHAC*].

CNDH,¹³ about 40 soldiers were engaged in a search for Chaparro Carrillo during which they interrogated, beat, and mistreated scores of Tepehuan villagers, arbitrarily detained residents, and destroyed at least seven homes.

From December 2-5, 1992, Eric Rosenthal, a representative of Minnesota Advocates, visited three of the affected villages and interviewed 16 victims of abuse, as well as local religious leaders, the commander of the military force in Baborigame, General Ricardo Maldonado, and the commander of a military force based in Sinaloa, General Elisalde. While Rosenthal was in the region, the army apologized for the incidents and offered to provide aid to those who had suffered abuse.¹⁴ On December 3, Rosenthal witnessed the first stage of the military distribution of aid and met with General Javier del Real, chief of the military delegation sent from Mexico City.

The factual findings of the Minnesota Advocates investigation are consistent with those of COSYDDHAC.¹⁵ Minnesota Advocates finds that at least 25 soldiers engaged in a week-long campaign of arbitrary detention, beatings, and torture. Minnesota Advocates also corroborates allegations that there was an initial military attempt to disrupt the gathering of evidence by human rights organizations and to intimidate witnesses.

Baborigame Incidents

The first incidents of abuse reported to Minnesota Advocates took place on October 26, 1992, in the village of Arroyo de la Huerta.¹⁶ Miguel Chaparro (the suspect's brother) and his family were sleeping outside when 10 to 25 soldiers arrived. Miguel Chaparro and two other men were kicked and beaten with rifle butts as they were interrogated about the whereabouts of Juan Chaparro. Two of the men, Miguel Chaparro and Alejandro Quiñones, suffered serious injuries.¹⁷ Three men and three boys were detained in army barracks overnight and interrogated. Two of the boys said they were tortured by

13. Comisión Nacional de Derechos Humanos, *Recomendación 1/93* (Jan. 8, 1993), reprinted in 30 *Gaceta* 197 (January 1993) [hereinafter CNDH, Baborigame Report].

14. Military Press Release (December 4, 1992).

15. COSYDDHAC, *supra* note 12, at 1.

16. This was nine days after the killing of 2nd Lt. García Bautista. Some accounts placed other house burnings earlier than this, and Prosecutor (*Ministerio Público*) Uranga Orona reported in his memorandum to the State Attorney General that even before the killing there had been reports that the military had broken into homes and stolen possessions. Memo to the State Attorney General.

17. Miguel Chaparro reported to Minnesota Advocates that he suffered broken ribs, and Alejandro Quiñones reported he suffered a crushed windpipe. At the time of the interview with Minnesota Advocates on December 2, Quiñones was still unable to speak above a whisper, a condition he suffered since the incident. COSYDDHAC has collected medical documentation of these injuries. COSYDDHAC, *supra* note 12, at 11.

soldiers who forced alcohol up their noses.¹⁸

When Miguel Chaparro returned home after his release from detention, he found his home had been burned down and all his possessions destroyed. His cow pens had been opened, and the escaping cattle destroyed his entire crop of corn. Chaparro said several other homes were also destroyed.¹⁹

About 25 soldiers arrived in the village of Palos Muertos early in the morning of October 27 and ransacked several homes. Residents said soldiers stole money and destroyed household items. An elderly man, Juan Rivas, was humiliated by being forced to strip in front of the villagers. Twenty-five men were detained in a school for about four hours, and at least ten were beaten. They were interrogated about Chaparro Carrillo and the location of marijuana and poppy fields. As the men were being interrogated in the school, some women were beaten by soldiers in the village as the soldiers searched homes.²⁰

On October 28, forty soldiers arrived in the village of Algarrobos.²¹ Family members and neighbors of Chaparro Carrillo were detained in two small houses for over a week. One woman, Refugio Quiñones Carrillo, said she was held for eight days with her hands tied behind her back. Her husband was away when the soldiers arrived, so her six children were left under the sole supervision of her eldest daughter, age eleven.

The wife of suspect Refugio Zaldaña Carrillo said four individuals were also detained, tied, and held face down on the floor.²² She reported that soldiers said they would kill ten villagers to avenge the lieutenant's killing.²³

Minnesota Advocates also interviewed one family whose home was

18. Minnesota Advocates interviewed Miguel Chaparro's son Benjamín, age 15, who reported abuse by the soldiers. Benjamín reported that as he was being interrogated, a soldier ran a knife across his back and then made him place his hands on a wooden table as a soldier stabbed the knife into the table between his fingers. Benjamín also said the soldiers forced alcohol up his nose.

19. Miguel Chaparro told Minnesota Advocates that six houses were burned down. A COSYDDHAC delegation found two burned homes. COSYDDHAC, *supra* note 12, at 6.

20. One woman, Loretta Rivas Vega, reported she was beaten when she could not understand a soldier's Spanish. As she told Minnesota Advocates: "At one point the soldiers came in and hit me with a rifle in the rib just because I did not understand what they were saying to me. This happened the same day as everyone else was beaten, October 27."

21. COSYDDHAC, *supra* note 12, at 6.

22. Memo to the State Attorney General at 2.

23. *Id.*