"They have many lines of investigation, they have addresses, phone numbers, names and they haven't been handed over. I took them a lot of information and it isn't even in the case file. We don't deserve this treatment or the pain we are suffering every day. All I'm asking is that they find my daughter and for justice to be done". Evangelina Arce could not have imagined that on 12 March 1998 her daughter Silvia would never again return to her home in Ciudad Juárez, Chihuahua state. She has been searching for her desperately for over five years without discovering anything at all about her whereabouts. Throughout that time, Evangelina has repeatedly said that the authorities have ignored her demands for her daughter's abduction to be investigated and insists that no action has been taken on the case for five years.

In Ciudad Juárez, and more recently in the city of Chihuahua, the abduction of Silvia Arce and her mother's appeal for her daughter to be found and for justice to be done are not isolated occurrences. The authorities currently recognize that the fate and whereabouts of around 70 women remains a mystery. For many Mexican non-governmental organizations, the number of women who are missing is more than 400. What is certain is that in the state of Chihuahua, a significant number of cases of young women and adolescents reported missing - in one case an 11 year old - are found dead days or even years later. According to information received by Amnesty International, in the last 10 years approximately 370 women have been murdered of which at least 137 were sexually assaulted prior to death. Furthermore, 75 bodies have still not been identified. Some of them may be those of women who have been reported missing but this has been impossible to confirm because there is insufficient evidence by which to identify them.

12 May 1993 - The body of an unidentified woman found ... on the slopes of Cerro Bola (...) in the supine position and wearing denim trousers with the zipper open and the said garment pulled down around the knees (...) penetrating puncture wound to the left breast, abrasions on the left breast, blunt force injury with bruising at the level of the jaw and right cheek, abrasion on the chin, bleeding in the mouth and nose, a linear abrasion near the chin, light brown skin, 1.75 cm., brown hair, large coffee-coloured eyes, 24 years old, white brassière pulled up above the breasts. Cause of death asphyxia resulting from strangulation. (Preliminary Investigation 9883/93-0604, Ciudad Juárez, Chihuahua, February 1998)"

In a significant number of cases, the brutality with which the assailants abduct and murder the women goes further than the act of killing and provides one of the most terrible examples of violence against women. Many of the women were abducted, held captive for several days and subjected to humiliation, torture and the most horrific sexual violence before dying, mostly as a result of asphyxiation caused by strangulation or from being beaten. Their bodies have been found days or even years later, hidden among rubble or abandoned in deserted areas near the city. "When we found her, my daughter's body told of everything that had been done to her", said Norma Andrade the mother of Lilia Alejandra, whose body was found in February 2001, on waste ground in Ciudad Juárez, next to the maquila(1) where she worked. Like Lilia Alejandra, most of the women, some with children to support, come from poor backgrounds and have to take long bus journeys to reach their places of work or study. Sometimes, they have no choice but to walk alone across unlit waste ground and streets where they are at greater risk of possible attack.
These crimes, classified by the authorities as "serial killings" have shocked the population of Chihuahua, a state which is characterised by high levels of violence against women, including killings as a result of domestic violence or other types of violence.

The first cases of abduction and killing of women and girls exhibiting a similar pattern were reported in Ciudad Juárez ten years ago. Located in the desert on the border with the United States, it is now the most heavily-populated city in Chihuahua state. Its geographical position has turned it into fertile territory for drug trafficking and this has led to high crime levels and feelings of insecurity among the population. However, throughout the past few decades, the establishment of so-called maquilas, assembly plants for export products set up by multinational companies, has also meant that it has been privileged in terms of economic development. The profitability of the maquiladora industry is largely derived from the hiring of very cheap local labour. Despite the low pay, the need for a wage or the desire to get across the border to the neighbouring country to the north in search of a better future has turned Ciudad Juárez into an "attractive" city for a large number of people from different parts of Mexico.

Several of the missing or murdered women were employed in maquilas. Waitresses, students or women working in the informal economy have also been targeted by the assailants. In short, young women with no power in society, whose deaths have no political cost for the local authorities.

In fact, in the first few years after the abductions and murders began, the authorities displayed open discrimination towards the women and their families in their public statements. On more than one occasion the women themselves were blamed for their own abduction or murder because of the way they dressed or because they worked in bars at night. A few years later, in February 1999, the former State Public Prosecutor, Arturo González Rascón, was still maintaining that "Women with a nightlife who go out very late and come into contact with drinkers are at risk. It's hard to go out on the street when it's raining and not get wet".(2)

Over the years, the pressure brought to bear by the families and non-governmental organizations and their calls for the crimes to be clarified have succeeded in attracting national and international attention. Proof of this was the visit and subsequent report on the situation of women in Ciudad Juárez by the Special Rapporteur on the Rights of Women from the Inter-American Commission on Human Rights (IACHR)(3). As a result of the national and international interest in the cases of the women from Ciudad Juárez and Chihuahua, the authorities have been forced to moderate their responses before public opinion on the issue, although they continue to insist on treating each crime in isolation and deny that the abductions and murders of the women and girls in question share common gender-based characteristics.

The failure of the competent authorities to take action to investigate these crimes, whether through indifference, lack of will, negligence or inability, has been blatant over the last ten years. Amnesty International has documented unjustifiable delays in the initial investigations, the period when there is a greater chance of finding the woman alive and identifying those responsible, and a failure to follow up evidence and witness statements which could be crucial. In other cases, the forensic examinations carried out have been inadequate, with contradictory and incorrect information being given to families about the identity of bodies, thereby causing further distress to them and disrupting their grieving process. Other irregularities include the falsification of evidence and even the alleged use of torture by officers from the Chihuahua State Judicial Police, in order to obtain information and confessions of guilt.

The creation in 1998 of the Special Prosecutor's Office for the Investigation of Murders of Women, also failed to live up to the expectation that there would be a radical change in the actions of the state authorities to stamp out such crimes. So far, despite the fact that the institution has had seven different
directors, there has been no significant improvement in the coordination and systematizing of investigations in order to put an end to the abductions and murders. The father of María Isabel Nava, for example, reported his daughter missing to the Special Prosecutor's Office on 4 January 2000. However, according to him, instead of taking immediate action, the Special Prosecutor said to him: "It's only Tuesday" and insinuated that his daughter had gone off with her boyfriend. The father replied indignantly: "Are we going to wait until she turns up dead?". His fears were justified. The body of María Isabel Nava was found 23 days later. According to the autopsy, she had apparently been held in captivity for two weeks before being killed.

The situation is made worse by the failure, time and again, to keep the families informed of developments, causing deep distrust of the judicial apparatus and politicians. Furthermore, demands that a formal criminal investigation (averiguación previa, preliminary investigation) be immediately opened from the first day on which a woman is reported missing in order to determine whether a criminal offence such as unlawful detention (privación de libertad) or kidnapping has been committed, have been ignored. According to the authorities, such a request is not appropriate because they claim that the cases of women reported missing are investigated in the same way and with the same degree of urgency as if a formal investigation had been opened. However, in the Mexican justice system, a formal criminal investigation offers better guarantees and forces the State to justify its actions. In the absence of a criminal investigation, the family has no right to justice and is dependent on the good will of the authorities dealing with the case. In Ciudad Juárez and Chihuahua, the ineffectiveness of the investigations have prompted the relatives and friends of the victim themselves, fearing that something bad may have happened to their daughter or sister, to organize searches throughout the city. Responsibility for gathering evidence also falls on them.

However, the relatives do not only have to live with the pain caused by the loss of a loved one and the anguish of not knowing their whereabouts. In Ciudad Juárez and Chihuahua, the authorities have frequently criticized or tried to discredit the work carried out by non-governmental organizations and the relatives in their search for justice. Some organizations have even been publicly accused of using the cases of the women for financial gain without any evidence for such accusations. Worse still have been the threats and intimidation to which lawyers, relatives and members of NGOs have been subjected with no attempt being made to identify those responsible and bring them to justice.

**Impunity reigns**

As far as the state authorities are concerned, most of the murders - including cases of domestic violence or other types of violence - have been "solved". However, although, according to their figures, 79 people have been convicted, in the vast majority of cases justice has not been done. Impunity is most evident in the case of the so-called "serial murders" that have been recognized as such by the state but in which there has been only one conviction for the kidnapping and murder of a young woman and 18 detainees awaiting the outcome of the judicial process, in some cases for several years. Furthermore, the quality of the investigations and the alleged failure to provide adequate guarantees during the trials cast doubt on the integrity of the criminal proceedings brought against several of those arrested in connection with these crimes. Meanwhile, year after year, the crimes continue. The discovery of the body of Viviana Rayas in May 2003 in the city of Chihuahua and allegations that those arrested in connection with the case were tortured, demonstrate yet again that the abductions and murders in question are far from being solved.

The fact that the state authorities have not managed to clear up or eradicate these crimes has led to much speculation about who might be behind the murders. There is talk of the involvement of drugs traffickers, organized crime, of people living in the United States, as well as rumours that those responsible are being protected. There are also theories about the motives being connected with satanism, the illegal trade in pornographic films and the alleged trafficking of organs. However, at the
moment, since the investigations have so far not been able to confirm any of them, such hypotheses are simply helping to fuel even greater fear among Chihuahuan society.

For years the federal authorities overtly kept out of the investigations on the grounds that, unlike, for example, organized crime, the murders of women in Chihuahua state did not come under their jurisdiction as they were not federal crimes. However, during 2003, the Office of the Attorney-General, has confirmed that it has claimed jurisdiction over several cases on the grounds that they may constitute federal offences and this could give a significant boost to the investigations. Given the scale of these crimes, Amnesty International believes that, in order to prevent, punish and stop the abduction and murder of women in Ciudad Juárez and Chihuahua as well as the abuses of power which have hindered the earlier investigations, it is essential for mechanisms to be set up to ensure proper coordination between all authorities at municipal, state and federal level.

The Ciudad Juárez and Chihuahua cases display many of the features which undermine the credibility of the Mexican justice system and foster impunity. Amnesty International has repeatedly called for a profound structural reform of the justice system to be undertaken in order for its investigative procedures and capabilities to be able to provide full access to justice for the victims and a fair trial for the accused by ensuring that all their rights are guaranteed.

The inability of the state authorities to address these violent offences against women also means that Mexico is in breach of international conventions to which it is a party, including standards that are specifically aimed at eliminating violence against women.

The violence against women demonstrated in these cases is not only a form of discrimination but also constitutes violations of the rights to life, physical integrity, liberty, security and legal protection enshrined in the International Covenant on Civil and Political Rights, the American Convention of Human Rights and the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW)(4), among others. These international standards reaffirm the State’s obligation to establish the truth, dispense justice and provide reparations to victims, even when their rights have been violated by private individuals.

The Americas is the only continent which has a binding treaty specifically directed at combatting violence against women: the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Pará).(5) The Inter-American system also set a precedent when, fifteen years ago, it reaffirmed that the State incurs a responsibility at the international level when it fails to exercise due diligence in investigating and punishing human rights abuses committed by private individuals, thereby establishing a doctrine which is particularly relevant for women who are suffering systematic violence in the domestic domain and in the community.

The full document, entitled "Mexico: Intolerable killings - Ten years of abductions and murders in Ciudad Juárez and Chihuahua" (AI Index: AMR 41/026/2003), addresses the inability of the Mexican authorities to treat the cases in the context of a specific pattern and their failure to provide the relatives with a proper response or effective legal remedy. Through the use of specific cases, the report provides an analysis of the state's failure to exercise due diligence in preventing, investigating and punishing the crimes in question. It also sets out Mexico’s obligations under international human rights standards and includes a series of conclusions and a set of recommendations which, in Amnesty International's opinion, need to be fully and effectively implemented. The appeal cases described below provide an example of ten years of intolerable crimes.

**Amnesty International's recommendations**

- The federal, state and municipal authorities must publicly recognize and condemn the abductions and murders of women in Ciudad Juárez and Chihuahua and stress the dignity of the victims and the
legitimacy of the relatives' efforts to obtain truth, justice and reparations.

- The state and federal authorities must ensure that prompt, thorough, effective, coordinated and impartial investigations into all cases of abduction and murder of women in Chihuahua state are carried out and given the necessary resources.

- The federal government must urgently address society's demand regarding who has jurisdiction to investigate the abductions and deaths of women in Chihuahua state so that effective, quick and thorough investigations backed up with resources, experts and the full cooperation of all other authorities can take place.

- The State must establish an urgent search mechanism so that, in the event that a woman is reported missing, a criminal investigation can be opened under the supervision of a judge with full powers to determine the whereabouts of the missing person and to follow up any relevant leads in order to determine whether an offence has been committed.

- Any negligence, failure to act, complicity or tolerance on the part of state officials in connection with the abductions and murders of women in Chihuahua state must be investigated and punished. Any state official suspected of committing serious human rights abuses such as torture or covering up abductions must be removed from his or her post pending the outcome of an impartial investigation.

- The federal, state and municipal must allocate sufficient resources to improving public safety in the state and preventing violence against women in the community, including by installing lighting and setting up security patrols.

- The Mexican State must ensure that the *maquilas* meet their legal obligations to their employees, with special emphasis on the physical, sexual and mental wellbeing of the female workers.

- The authorities must ensure that, in line with the UN Declaration on Human Rights Defenders, defenders of women's rights and relatives' associations who are working to put an end to violence against women can carry out their legitimate work without fear of reprisals and with the full cooperation of the authorities.

- The authorities must implement the international recommendations addressed to Mexico since 1998 by the Special Rapporteurs of the Inter-American Commission on Human Rights and the United Nations, as well as by the UN Committee on the Elimination of All Forms of Discrimination against Women, all of whom have studied the cases of the women from Ciudad Juárez and Chihuahua.

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