

To: U.S. Department of State

**John Kerry**, Secretary of State

**Anthony Blinken**, Deputy Secretary of State

**Sarah Sewall**, Undersecretary of State for Civilian Security, Democracy and Human Rights

**Roberta Jacobson**, Assistant Secretary, Bureau of Western Hemisphere Affairs

**Tom Malinowski**, Assistant Secretary, Bureau of Democracy, Human Rights and Labor

**William Brownfield**, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs

**Ambassador Anthony Wayne**, U.S. Embassy in Mexico

CC: U.S. Congress

**Sen. Lindsey Graham**, Chair, Subcommittee on State, Foreign Operations, and Related Programs, U.S. Senate Committee on Appropriations

**Sen. Patrick Leahy**, Ranking Member, Subcommittee on State, Foreign Operations, and Related Programs, U.S. Senate Committee on Appropriations

**Rep. Kay Granger**, Chair, Subcommittee on State, Foreign Operations and Related Programs, U.S. House of Representatives Committee on Appropriations

**Rep. Nita Lowey**, Ranking Member, Subcommittee on State, Foreign Operations and Related Programs, U.S. House of Representatives Committee on Appropriations

From:

**Amnesty International**

**Centro de Derechos Humanos "Miguel Agustín Pro Juárez" A.C. (Centro Prodh)**

**Centro de Derechos Humanos de la Montaña Tlachinollan**

**Ciudadanos en Apoyo a los Derechos Humanos A.C. (CADHAC),**

**Fundar, Centro de Análisis e Investigación**

**Latin America Working Group (LAWG)**

**Robert F. Kennedy Human Rights**

**Washington Office on Latin America (WOLA)**

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Date: July 9, 2015

Subject: **Assessment of the Human Rights Requirements in the Merida Initiative**

In providing security assistance to Mexico under the Merida Initiative, the U.S. Congress has recognized the Mexican government's need to make substantive progress in its respect for human rights within the framework of security operations and efforts to strengthen the rule of law in the country. **However, our research and documentation, as well as the work done by the U.N. Special Rapporteur on Torture and the U.N. Committee on Enforced Disappearances, illustrate that the Mexican government has failed to make sufficient progress on the human rights priorities identified by Congress in its assistance to Mexico.**

With the exception of two high profile cases that have gone before the Inter-American Court of Human Rights, where progress has been possible thanks to the persistence of the survivors and where there has still not been a final ruling against the alleged perpetrators, none of the cases documented by our organizations have resulted in an effective investigation of those responsible for human rights violations.

Additionally, the Mexican government has failed to demonstrate meaningful progress in other areas about which Congress has expressed concern, specifically the high number of enforced disappearances and the widespread use of torture.

Cases such as the enforced disappearance of 43 Ayotzinapa student teachers in Guerrero in September 2014, the killing of 22 civilians by soldiers in Tlatlaya, Mexico State in June 2014, and recent killings of large groups of civilians by both military and police forces in circumstances that might suggest the massacre of unarmed people—particularly in Michoacán—reinforce the urgent need for Mexico to reform its security policies. Utmost priority must be given to withdrawing the armed forces from civilian policing tasks, addressing corruption, judicial reforms, and prioritizing reform of the country’s police forces in line with international standards, including effective use of external and internal controls and criminal prosecution.

**In light of the information available, we believe that it is essential that the U.S. government does not provide assistance to Mexico’s armed forces through the Merida Initiative, as this reinforces and sustains the inappropriate and dangerous open-ended role of the armed forces in domestic law enforcement.** In general, providing Mexican security forces with more training and equipment while corruption and abuses continue unchecked does little to improve security in Mexico, and is likely to continue to exacerbate an already dire human rights situation.

We reiterate that the path to citizen security for Mexico is not that of a logic of war, but rather that of respecting human rights, strengthening civilian institutions, enacting true police and judicial reform, punishing corruption, and consolidating the rule of law and a representative and accountable democracy.

**The U.S. State Department’s report on the human rights requirements included in the Merida Initiative offers a vital opportunity for the State Department to provide a thorough, accurate assessment of important human rights benchmarks.** Such an analysis is crucial if the bilateral relationship between the United States and Mexico is to serve as a channel to press for measurable progress in the areas of human rights, accountability, and transparency. It is also important that the U.S. government provide timely information as to where and how the funding provided through the Merida Initiative is currently being used in Mexico.

Our assessment of the human rights requirements is as follows:

**Requirement 1: The Government of Mexico is investigating and prosecuting violations of human rights in civilian courts**

In 2015, the World Justice Project ranked Mexico’s criminal justice system 93 out of 102 countries on its annual Rule of Law Index.<sup>1</sup> The Universidad de las Americas Puebla’s Global Impunity Index ranked Mexico 58 out of the 59 countries they examined in 2015.<sup>2</sup> The findings of these global analyses are reflected in information gathered by Mexico’s own National Institute of Statistics and Geography (*Instituto Nacional de Estadística y Geografía*, INEGI). INEGI’s most recent survey of crime victimization estimates that only 9.9 percent of crimes are ever reported and that preliminary investigations are only opened for 6.2 percent of all crimes committed in Mexico. This means that around 93.8 percent of crimes are never investigated in Mexico.<sup>3</sup>

The failure to effectively investigate and sanction crimes is also seen in cases of human rights violations committed by state agents. Research and documentation of cases by our organizations (described in detail below) demonstrate that Mexican security forces responsible for human rights violations are not being effectively investigated and prosecuted in civilian jurisdiction for these crimes.

In each of the four cases of human rights violations committed by members of the Mexican military that have been resolved by the Inter-American Court of Human Rights, the Court has ordered Mexico to reform its Code of Military Justice to ensure that military jurisdiction applies only to offenses against military discipline, and in no case to human rights violations.<sup>4</sup> On April 17, 2015, the Court found that Mexico had not fully complied with this order in these four cases.<sup>5</sup> Although the Code of Military Justice was reformed in 2014, the Court found that this reform was incomplete and failed to establish that all human rights violations must be investigated and tried in civilian jurisdiction, including crimes where the victim and the perpetrator of human rights violations are members of the military. The Court identified that the military should have no role in the criminal investigation of a case unless the crime solely involves violations of military discipline. The Court highlighted the Tlatlaya massacre (described below) as an example of ongoing problems in this area.

In his presentation of Mexico's National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) 2014 report, current Ombudsman Luis González Pérez stated that the Commission had submitted 435 criminal complaints before legal authorities (federal and state level) between 2010 and 2014, but of these 435 complaints, only 43 cases had led to indictments and none had led to convictions. Between 2013 and 2014 the CNDH also presented 148 administrative complaints to federal and state authorities. As of December 2014, only 24 of these 148 cases had been processed. Administrative sanctions were issued in only seven cases and of these, most were fines or temporary suspensions, and only two officials were removed from their posts. Of the remaining 17 complaints, authorities either did not find any evidence to sanction the official or they alleged that the statute of limitations had expired for the crime.<sup>6</sup>

#### **Emblematic case examples that highlight the lack of effective investigations and prosecutions:**

**Tlatlaya:** In the case of the death of 22 civilians at the hands of soldiers in Tlatlaya, Mexico State, on June 30, 2014, the CNDH determined that at least 12 to 15 of the civilians were extrajudicially executed.<sup>7</sup> Center Prodh, which represents a surviving victim, "Julia", recently published a report on the case calling for investigation of the military chain of command in light of the orders under which the troops were operating in Tlatlaya at the time of the events, considering that:

"the case file contains orders from superiors that promote extrajudicial executions... the order specifies: 'Troops should operate massively at night and reduce activities during the day, in order to kill criminals in the darkness of the night, given that most crimes are committed during those hours.'"<sup>8</sup>

An initial investigation of the killings in Tlatlaya took place in military jurisdiction, leading to a military trial against a small group of soldiers for the crime of "disobedience." "Julia," whose testimony exposed the executions in the case and who is currently a beneficiary of precautionary measures granted by the Inter-American Commission on Human Rights, has been denied the status of victim and full access to the case file in military jurisdiction, even though her 15-year-old daughter was one of the people killed by soldiers in Tlatlaya. There is now a parallel criminal trial open in civilian (federal) jurisdiction, but the fact that the military court could issue a sentence on these events creates the possibility of conflicting judgments on the matter.

**Ecologists case:** In the case of the Ecologists Rodolfo Montiel and Teodoro Cabrera, the investigation into torture ordered by the Inter-American Court shows few advances nearly five

years after the Court issued its judgment. To date, no soldiers have been charged, despite the fact that survivors have identified several of their torturers by name; presented several medical examinations carried out by world-renowned experts in documenting torture, demonstrating they were subjected to acts of torture; and presented witness testimony that supports their case.<sup>9</sup>

Upon requesting reelection to the Human Rights Council for the 2014-2016 period, Mexico had pledged to the U.N. General Assembly that it would comply with the judgments of the Inter-American Court and the recommendations of the Inter-American Commission on Human Rights. However, this pledge remains unfulfilled.<sup>10</sup>

**Cases of Inés Fernandez and Valentina Rosendo:** In the cases of Inés Fernández and Valentina Rosendo, the trials under civilian jurisdiction against the alleged perpetrators continue for the appropriate charges. After the detentions of four members of the Armed Forces in December 2013 the judge charged two members of the Army – one of whom had left the force – for rape, torture and abuse of authority against Valentina Rosendo; and two members of the Army for rape, torture, abuse of authority, robbery and forceful entry against Inés Fernandez. Although the accused appealed the decision, the Federal Second Unitary Tribunal upheld the charges in April 2014. After this, the four accused filed an *amparo*.<sup>1</sup> In the case of Fernández Ortega, the defendants were denied federal protection in December 2014. As a last recourse, an appeal for review of the *amparo* decision was submitted by their defense on January 2015; the decision regarding the review has not been issued. In the case of Valentina Rosendo, the defendants are awaiting the decision on the *amparo*. In the meantime, the trial before the District Courts continues, with participation of the survivors and their representation by the Tlachinollan Human Rights Center.

**Case of Bonfilio Rubio:** Despite the unprecedented Supreme Court of Justice ruling regarding the unconstitutionality of the Code of Military Justice for this case in August 2012, the extrajudicial execution of Bonfilio Rubio in June 2009 by members of the Mexican army remains unpunished. Under civilian jurisdiction, the Seventh District Court reviewed the case under the criminal file 16/2013; during the trial Tlachinollan requested that the charges be reclassified, as the only soldier being charged for the death of Bonfilio–Valentín Alejo Hilario– was charged for involuntary manslaughter (*homicidio culposo*) and not intentional homicide (*homicidio doloso*). On December 16, 2014, Mr. Alejo was absolved of the charges by the first instance Judge. Bonfilio’s family, assisted by the Tlachinollan Human Rights Center, appealed the decision in December 2014; however the First Unitary Court confirmed the first instance ruling on March 10, 2015. As an extraordinary remedy, the family of Bonfilio filed an *amparo* before the Second Collegiate Tribunal in Acapulco, Guerrero. To date, the *amparo* is still being reviewed; should it be considered, it will be the last opportunity for his family to revoke the absolutory sentence and to fully access justice and reparations.

**Killing of ITESM students:** On March 19, 2010, Jorge Antonio Mercado Alonso and Javier Francisco Arredondo Verdugo, students of the Technologic Institute of Higher Studies of Monterrey (ITESM), were killed during a shootout between members of an organized criminal group and soldiers. The CNDH found that both students had been shot at short range and that soldiers subsequently altered the scene of the crime and lied about the events, making statements that the students had participated in the shootout.<sup>14</sup> Although the Military Attorney General opened an investigation against one of the soldiers for altering the scene, that soldier was absolved and the case was dismissed.<sup>12</sup> The Federal Attorney General (*Procuraduría*

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<sup>1</sup> An appeal for relief under the Constitution in a case of violation of civil rights.

*General de la República*, PGR) also opened an investigation against three soldiers for the acts. However, five years after the events, not one soldier has been held responsible for killing the students and altering the scene of the crime.

**Ayotzinapa:** In the case of the 43 students who were forcibly disappeared in Iguala, Guerrero in September 2014 (described in detail below), witness accounts place members of the army at or near the scene, including in health clinics where the students went to look for help after the attacks. In light of this, the Interdisciplinary Group of Independent Experts (IGIE) formed by the Inter-American Commission on Human Rights to provide technical assistance in this case—at the request of representatives and family members of the 43 forcibly disappeared students and the Government of Mexico—has repeatedly requested access to interview the members of the local army battalion. To date, the federal government, represented by Secretary of the Interior Miguel Osorio Chong, has not allowed these interviews to be carried out, even though the IGIE consider these interviews key to clarifying what occurred before and during the events of September 2014.<sup>13</sup>

The killings of 16 civilians in Apatzingán, Michoacán in January 2015 and 42 civilians in Tanhuato, Michoacán in May 2015, have been attributed to federal police, and in the case of Apatzingán, army participation was also reported.<sup>14</sup> However, the government has not clarified the circumstances of these killings.<sup>15</sup>

## **Requirement 2) the Government of Mexico is enforcing prohibitions against torture and the use of testimony obtained through torture**

Recent cases and reports by Mexican and international human rights organizations, as well as the United Nations Special Rapporteur on Torture, confirm that torture plays a central role in policing and public security operations by military and police forces across Mexico. The legal framework and safeguards in place in the country to prevent and punish the use of torture, and prevent the admissibility of evidence obtained through torture, are regularly disregarded by the police, the military, prosecutors, and judges. Furthermore, the failure to adequately investigate reports of torture has created a culture of impunity conducive to its continued use, as perpetrators do not fear reprimand or conviction. It has also created fear among the population that arrest for any reason is likely to result in torture. In a recent survey by Amnesty International, 64 percent of Mexicans polled feared suffering torture if taken into custody.<sup>16</sup>

Following his April 21 to May 2, 2014 visit to Mexico, U.N. Special Rapporteur on Torture Professor Juan E. Méndez concluded that torture in Mexico is “generalized,” and is used “mainly from the moment when a person is detained until he is brought before the judicial authority, its purpose being to punish and extract confessions or incriminating information.” His assessment, which is based on a wide array of reports received from both civil society and government; available statistical information; cases sent to the Rapporteurship in recent years, representing more than 100 survivors of torture; interviews with numerous survivors, witnesses, and detainees from various parts of the country (not only the five regions directly visited by the Rapporteur) and in 11 detention centers; meetings with state institutions; and court and other official documents, indicates “evidence of the active participation of police and ministerial police forces from almost all jurisdictions and of the armed forces, but also of tolerance, indifference or complicity on the part of some doctors, public defenders, prosecutors and judges.”<sup>17</sup> However, the government of Mexico initially rejected the Special Rapporteur’s assessment on torture, and personally criticized Rapporteur Méndez as not being professional and ethical, which raises serious concerns about Mexico’s openness to making progress on prohibiting torture and the use of testimony obtained through torture.<sup>18</sup>

**General data:**

A September 2014 Amnesty International report affirms that torture in Mexico is “frequently condoned, tolerated or ignored” by law enforcement officials, superior officers, and some human rights commissions.”<sup>19</sup> From January to August 2014, federal judges reported 1,395 cases in which people appearing in trials before them stated that they had been tortured by authorities,<sup>20</sup> averaging approximately 174 cases of reported torture per month. More recently, the Mexican media reported that the Federal Judicial Council (*Consejo de la Judicatura Federal*) had received notice of 840 cases of torture or other cruel, inhuman, and degrading treatment from January to March 2015,<sup>21</sup> an average of 280 reports per month.<sup>22</sup> However, cases identified and reported by federal judges under-represent the use of torture in Mexico, as many torture cases do not end in a criminal trial against the victim, including cases in which the victim is tortured, held in *arraigo*<sup>2</sup> (during which the visible marks of torture may heal), and then released without charge, or in which judicial authorities refuse prosecutors’ requests to bring the person to trial (for lack of evidence, for instance). According to official statistics obtained by the Citizen Observatory of the Justice System (*Observatorio Ciudadano del Sistema de Justicia*), the federal judicial branch issued 14,523 *arraigo* orders between 2009 and June 2014, including more than 1,000 during the first semester of 2014 alone.<sup>23</sup> During his visit to the Federal Investigation Center, where *arraigo* detainees are held, the Special Rapporteur reported that “almost everyone interviewed claimed to have been subjected to torture and ill-treatment before entering the Centre.”<sup>24</sup>

The Center Prodh and Amnesty International continue to document cases in which victims are arbitrarily detained, tortured, and placed on trial based on a confession obtained under torture and in spite of offering solid evidence both of the torture and of the arbitrariness of the detention; in this regard, judges continue to use the “immediacy” principle to find that a statement made to investigators (frequently under torture) prevails over any subsequent statement.

Despite the aforementioned reports of torture in the federal justice system, the CNDH continues to manipulate torture cases by wrongfully classifying them as cruel, inhuman, and degrading treatment. In 2014, the Commission reports having received only three complaints of torture (as compared to 741 complaints of cruel, inhumane, or degrading treatment),<sup>25</sup> a blatant discrepancy that undermines this Commission’s credibility to carry out effective and independent investigations of all human rights complaints.

Assessing the prevalence of torture at the state level is even more difficult. As the Special Rapporteur noted in his 2014 report, “At present, there is no national register of cases and each state has its own data.” For example, Chihuahua’s state human rights commission documented 116 cases of torture and 14 cases of ill-treatment in 2014.<sup>26</sup> In November 2014, the Human Rights Commission of the Federal District issued a recommendation (14/2014) which details 47 cases of torture involving 95 victims committed by local authorities between 2007 and 2013.<sup>27</sup>

According to official information obtained through information requests to the Federal Judicial Council, confirmed in the report of Rapporteur Juan Méndez, from 2005 to 2013 only two unappealable convictions have been handed down for torture at the federal level in Mexico (of five convictions in total). While the number of federal investigations formally opened for torture has increased in recent years, this increase has not translated into proportionately higher

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<sup>2</sup> Arraigo is a form of preventive detention that allows for imprisonment without formal charges for up to 80 days.

levels of trials and convictions: in 2013, the PGR opened 1,064 investigations for torture, but brought charges in only 4 cases.<sup>28</sup>

In late 2014, Center Prodh asked each state judicial branch for the number of torture convictions broken down by year; of the 22 states that keep track of this information by year and replied to Center Prodh's request, none reported any torture conviction during 2013 or the first half of 2014. The 24 states that provided statistics for the 2004-2014 period reported a total of eight torture convictions as of mid-2014, which may or may not be final (un-appealable) convictions.<sup>29</sup> This is an average of less than .03 convictions per state per year.

#### **Admission of testimony obtained through torture:**

Testimony obtained through torture continues to be admitted in court, even in jurisdictions that operate under Mexico's new adversarial justice system, which is meant to establish and strengthen safeguards that prohibit torture. The Special Rapporteur highlighted the "many cases in which people with no apparent link to the criminal conduct under investigation report having been detained, forced to sign statements under torture and, in some cases, sentenced on the basis of these statements."<sup>30</sup> In Chihuahua, a state that transitioned to an accusatory justice system in 2007, Amnesty International has documented at least four cases in which judges and prosecutors overlooked allegations of torture and validated and accepted evidence obtained under torture.<sup>31</sup>

Even in high-profile cases, such as the enforced disappearances of the 43 students of Ayotzinapa, the government's investigations have been put into question because of the possibility that some of the testimonies were obtained through torture. In May 2015, the Interdisciplinary Group of Independent Experts recognized in its third report of activities that during their interviews with the detainees in the case they received numerous complaints of torture or ill-treatment, and that the CNDH had received at least 10 complaints of possible cases of torture and due process violations by the detainees in the case.<sup>32</sup>

Prosecutorial and judicial officials are also not correctly applying the Istanbul Protocol, a U.N.-accepted set of international guidelines to investigate allegations of torture or ill-treatment. The official medical examinations of potential torture survivors are often delayed, incomplete, or manipulated to omit signs of torture, while examinations carried out by independent experts are generally dismissed as not having evidentiary value, which makes it possible for prosecutors and judges to justify not launching an investigation, and facilitates the admission of evidence obtained through torture.

#### **Emblematic cases of torture**

**Case of Claudia Medina Tamariz:** On August 7, 2012, marines broke into the home of Claudia Medina Tamariz in the state of Veracruz. They tied her hands and blindfolded her before taking her to the local naval base in a pick-up truck where she was tortured by electric shocks, sexually tortured, beaten, kicked, and left tied to a chair in scorching afternoon heat. Later she was interrogated and pressured into signing a statement, which she was not allowed to read, and then authorities presented her, and other detainees, to the media claiming they were dangerous criminals who had been caught in a stolen vehicle in possession of arms and drugs. Despite evidence confirming that Claudia was detained at home and that marines had fabricated evidence, federal prosecutors filed charges against her. It would not be until February 2015 that Claudia was cleared of these charges, following national and international campaigns in her favor.

Two medical-psychological examinations have been carried out, one by the CNDH and one by independent experts, both confirming evidence consistent with her allegation of torture. Claudia lodged a complaint with the PGR regarding the torture she was subject to but the PGR so far has failed to carry out an investigation into these acts.<sup>33</sup>

**Adrián Vásquez:** As has been documented by Amnesty International, in 2012 police picked up Adrián Vásquez and claimed he was a local drug lord. They tortured him to the point of near-death, breaking some of his ribs, injuring his bladder, and pouring water through his nose and filling his lungs. A doctor on the government's behalf examined him but only documented minor injuries, which he concluded would heal within 15 days. Soon after, Adrián collapsed and was rushed to a hospital for life-saving surgery. In April 2015, three of the policemen who Adrián identified as his torturers were charged in Tijuana, Baja California. A judge was supposed to review the charges and issue arrest warrants, but this has not happened. Meanwhile, Adrián remains in prison. The only evidence against Adrián rests on statements made by the police officers who detained him, and on drugs and firearms that seem to have been planted on him by the police.<sup>34</sup>

**Yecenia Armenta:** On July 10, 2012, 39-year-old Yecenia Armenta Graciano left her home in Culiacán, Sinaloa, to drive her sister and sister-in-law to the airport. En route, plain-clothed police stopped her vehicle, told her they had a report of a stolen car and forced the women into police vehicles. Yecenia was then separated from the other women and forced into a different vehicle where police covered her head and handcuffed her. State police began to interrogate and beat her, demanding she confess to the involvement in the murder of her husband who had been shot in a public place a week earlier, which she denies.

Police took her to an unknown location where she was continuously beaten and asphyxiated with a plastic bag placed over her head. She was repeatedly threatened and insulted, then subjected to water-treatment where a cloth was used to simulate drowning. She was then taken to another location where she was forced to strip naked and handcuffed. She was hung upside down and beaten all over her body and sexually tortured. Yecenia only gave in to demands to confess to the involvement in her husband's murder after police officers said they would bring her children in to rape and kill them.

Hours after her detention, Yecenia was subjected to initial physical examinations by doctors from the very same prosecutor's office that detained her. These medical reports failed to document the scope of her injuries. In September 2012, independent medical experts carried out an examination in line with the Istanbul Protocol and concluded her injuries were consistent with her reports of torture. In January 2015, the CNDH issued a recommendation to the Sinaloa government confirming that Yecenia was tortured and calling for action against the police responsible for the crimes. In addition, the Third District Judge in the State of Sinaloa ruled that Yecenia's confession cannot be used as evidence in the case as it was obtained through torture. In February, the Sinaloa State Attorney General (*Procuraduría General de Justicia del Estado de Sinaloa*) announced that an investigation into torture had been launched. In April, a federal tribunal referred the case to the Supreme Court. It remains to be seen whether the Supreme Court will take up the case or send it down to a lower court. Meanwhile, Yecenia remains in prison.<sup>35</sup>

The alarmingly high number of cases of torture, the findings of the U.N. Special Rapporteur, and our organizations' experience documenting human rights violations in Mexico confirm the continued use of torture as a *modus operandi* by security forces and investigators, and the near-absolute impunity that prevails for this crime. Although Mexico's Supreme Court has made efforts to prevent and prohibit torture, such as the December 2014 publication of a protocol

designed to guide the conduct of judges in cases of suspected torture,<sup>36</sup> and there are now Supreme Court rulings calling on judges to exclude evidence obtained under torture, and a handful of examples of judges who have done so,<sup>37</sup> this practice is as yet the exception to the rule.

**Requirement 3) the Mexican army and police are promptly transferring detainees to the custody of civilian judicial authorities, in accordance with Mexican law, and are cooperating with such authorities in such cases**

The cases registered by our organizations demonstrate that prolonged, illegal detention by security forces (military and civilian, federal and local), continues to be a routine practice in Mexico, as is the falsification of the time of the detention and judicial authorities' willingness to accept false data or to overlook clear cases of prolonged detention if the victim is brought to trial. This concern was also raised in the Department of State's 2014 Country Report on Human Rights Practices for Mexico, "Some detainees complained about lack of access to family members and to counsel after police held persons incommunicado for several days and made arrests arbitrarily without a warrant."<sup>38</sup>

A national database to track detainees, with a protocol for immediately registering critical information such as the time and location of detention and the names of the officers responsible for the detainee, could help prevent abuses from occurring from the moment of detention. However, despite clear mandates, the current databases are incomplete. The 2008 reform of Article 16 of the Mexican Constitution calls for the creation of a registry of detainees. More specifically, Articles 112-116 of the General Law of the National Public Security System, which went into effect in 2009, established the Administrative Registry of Detentions (*Registro Administrativo de Detenciones*) and mandated that all police agents who carry out detentions should report the detention to the National Information Center within the Executive Secretariat of the National Public Security System (*Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública*).<sup>39</sup>

In its November 2010 ruling against the Mexican government in the case of the Ecologists, the Inter-American Court of Human Rights determined that the Mexican government must take steps to strengthen the functioning and use of the Administrative Registry of Detentions, including ensuring consistent updates, the interconnectivity of this database to other databases (so that it is easy to know the whereabouts of detainees regardless of which agency detained them), that it guarantee both public access to information as well as privacy, and that it implement an accountability mechanism to ensure that state agents comply with their duty to update the registry.<sup>40</sup> As reported in our July 2014 memo to the State Department, the Mexican government has refused to comply with the order of the Inter-American Court to strengthen its system of registering detentions. Among other arguments, the federal government's position before the Inter-American Court is that the armed forces are not required to keep a register of detained persons, despite the long series of cases of soldiers and marines implicated in arbitrary detentions, prolonged incommunicado retention, torture, and enforced disappearances.

Apart from the Administrative Registry of Detentions, in 2010 the PGR established its own Detainee Registration System (*Sistema de Registro de Detenidos*, SIREDD) that specifically requires federal investigative police to immediately register into the system any individual that they detain.<sup>41</sup> An analysis by Amnesty International suggests that there are great discrepancies in data included in this registry. Between December 2012 and July 2013, the SIREDD recorded 18,735 detainees presented to the Federal Public Prosecutor. However, given that the PGR

reported that there were 78,818 arrests for federal crimes in 2012 and 47,618 arrests in 2013, it is clear that authorities failed to register the majority of detainees.<sup>42</sup>

**Requirement 4) the Government of Mexico is effectively searching for the victims of forced disappearances and is investigating and prosecuting those responsible for such crimes.**

Disappearances continue in Mexico at alarming levels, and the government's efforts to search for people who have been forcibly disappeared and to investigate and prosecute those responsible are inadequate. Documentation by human rights organizations, investigations by international human rights bodies, the Mexican government's highly flawed National Registry of Missing and Disappeared Persons (*Registro Nacional de Datos de Personas Extraviadas o Desaparecidas*, RNPED), and high-profile cases of disappeared, such as the case of the 43 forcibly disappeared students in Guerrero in September 2014, demonstrate the magnitude of the problem of disappearances in the country.

In February 2015, the United Nations Committee on Enforced Disappearances issued its concluding observations on Mexico, a report that painted a grim picture of widespread disappearances, violence, and impunity in the country. The Committee's findings include:

- Disappearances are "generalized" in large parts of Mexico, many of which could be considered enforced disappearances.
- There is a "near absence" of successful prosecutions in cases of enforced disappearances. The Committee urged the Mexican government to create a special prosecution unit in the Attorney General's Office, investigate corrupt officials and state agencies, and do more to protect individuals who report disappearances.
- There is a lack of precise and reliable figures of the number of disappeared, making it difficult to grasp the full magnitude of this problem or develop effective public policies to combat it.
- The National Registry of Missing and Disappeared Persons (RNPED) does not record and track whether or not government officials were involved in disappearance cases. The Committee urged Mexican authorities to develop a nationwide registry that would provide precise and reliable data that could be used to develop comprehensive and coordinated public policies in order to prevent, investigate, sanction, and eradicate disappearances.<sup>43</sup>

However, instead of acknowledging the challenges identified by the Committee, senior Mexican officials attempted to publicly discredit this report, following a larger and highly troubling pattern in which Mexican officials initially welcome international scrutiny of their human rights situation, but later attempt to discredit any negative assessments.<sup>44</sup>

The RNPED currently contains 25,293 cases of individuals who disappeared between 2007 and January 2015. However, human rights organizations that document cases of disappearances and work with the families of victims have shown that these cases only reflect a fraction of the total cases. Multiple organizations that searched the RNPED found that this registry did not include anywhere from 63 to 98 percent of the cases they had documented.<sup>45</sup> Given that many families do not come forward to report the disappearance of their loved ones out of fear of reprisals, we can infer that the number of undocumented cases is even greater.

In addition to underreporting, numerous additional flaws persist in Mexico's system to register disappeared persons, including the criteria used to purge the names of individuals who have been found, living or deceased, from the registry, and to identify potential matches in cases of disappeared persons in the investigation of remains in mass graves. At present, there is no

established way for judicial and administrative authorities to add a case to the registry because the secondary law for the 2012 Law for the National Registry of Missing and Disappeared Persons (*Ley del Registro Nacional de Datos de Personas Extraviadas o Desaparecidas*) has not yet been promulgated.

In May 2013, the PGR created the Special Unit for the Search for Disappeared Persons (*Unidad Especializada de Búsqueda de Personas Desaparecidas*, UEBPD). UEBPD's mandate includes the responsibility to investigate disappearances and search for victims.<sup>46</sup> However, the unit has not produced the desired results. According to Human Rights Watch, from its inception to July 9, 2014, the UEBPD had found only 86 people (29 dead and 57 alive), although it had not provided data on how or where they were found, how long it took to find them after they went missing, or if these individuals were victims of enforced disappearance.<sup>47</sup> In January 2015 Mexican authorities provided updated information and reported having located just 102 people (72 alive and 30 dead) who had been previously reported disappeared or missing.<sup>48</sup>

The UEBPD needs adequate resources and staffing to be able to carry out its important mandate. However, despite the gravity and scope of disappearances in Mexico, the UEBPD's 2015 budget was cut by 63 percent.<sup>49</sup> The UEBPD has been assigned a staff of 170 people, which includes 15 federal police agents, 40 federal investigative police, and 29 public prosecutors; however, the staffing has been insufficient to address the UEBPD's large caseload. For example, the UEBPD sent three public prosecutors to Iguala to assist in the case of the 43 forcibly disappeared students. However, each of these prosecutors was already in charge of 60 cases of disappeared people, and because they were sent to Iguala to work on a case of such magnitude they have not been able to make progress on the other cases.

On November 27, 2014, in the middle of the crisis brought on by the enforced disappearance of the 43 students, President Peña Nieto presented 10 steps to strengthen security, justice and the rule of law. In the area of human rights, he laid out a series of steps that include the strengthening of protocols and procedures, including the creation of a national system to find disappeared persons (*Sistema Nacional de Búsqueda de Personas No Localizadas*) and a national DNA database (*Sistema Nacional de Información Genética*).

In response to President Peña Nieto's proposal, civil society organizations expressed their concern that his plan is not comprehensive and left out key elements, such as a national plan to search for disappeared persons when they are alive that would include mechanisms to coordinate relevant government agencies to carry out immediate search and investigation when individuals are reported disappeared, the need for improvements to the RNPED to ensure the creation of public, transparent and accurate data on disappearances, and the need for the development of genetic and forensic databases to inform investigations.

Currently, in spite of the recommendation made in 2011 by the U.N. Working Group on Enforced Disappearances to create a protocol, the Mexican government does not have effective mechanisms to guarantee the immediate search for disappeared people. So far, only the states of Nuevo Leon and Veracruz have developed protocols to immediately search for individuals reported disappeared. No such protocol was applied to the search for the forcibly disappeared students from Ayotzinapa.<sup>50</sup>

In May 2015, the PGR invited several civil society organizations and family members of disappeared persons to their presentation of the Standardized Search Protocol (*Protocolo Homologado de Búsqueda*) that will be discussed in the next Attorney Generals' Conference in October 2015. While the PGR has generated great expectations about the protocol, the families and civil society organizations participating in the process have pointed out that the

consultation process was inadequate and that the protocol does not include central issues such as combatting corruption and the participation of the authorities implicated in the disappearance within the search mechanism.

The U.N. Working Group on Enforced or Involuntary Disappearances (2011), the U.N. Committee on Enforced Disappearances (2015), and the Group of Independent Experts (2015) working on the Ayotzinapa case have all recommended that Mexico develop adequate legislation on enforced disappearances. A large group of civil society organizations worked on a proposal to reform Mexico's Constitution to grant Congress the powers to legislate on this issue. This reform passed the Mexican Congress in April 2015, and in June 2015 a majority of state congresses had approved this constitutional reform. Currently several bills are pending consideration and the Peña Nieto government is working on a proposal for a General Law on this issue. Civil society organizations and survivors have requested that there be a consultation process and a way for survivors to participate in this legislative process, as was recommended by the Committee on Enforced Disappearances. It is expected that this General Law will be approved during the next legislative session which begins in September 2015.

Very few Mexican officials have been effectively investigated and sanctioned for their participation in acts of enforced disappearance. From 2006 to the present, Mexico's federal Attorney General's office registered 239 preliminary investigations opened in cases of enforced disappearance, 58 of which are being carried out by the UEBPD.<sup>51</sup> However, in its 2014 report to the U.N. Committee on Enforced Disappearances, the Mexican government documented only six convictions for enforced disappearance at the federal level.<sup>52</sup> At the state level, the government registered 192 preliminary investigations of enforced disappearances between 2006 and 2013,<sup>53</sup> and 43 preliminary investigations opened in military jurisdiction from 2006 to 2012; however, these investigations have not led to convictions for enforced disappearance. In its accompaniment of the families of victims of enforced disappearance cases in the state of Nuevo León, the Mexican human rights organization *Ciudadanos en Apoyo a los Derechos Humanos* (CADHAC) documented 12 convictions (including of two public officials); however, authorities classified the charges as kidnapping and unlawful detention, rather than enforced disappearance. While important experience, the situation in Nuevo León is exceptional and even here, the two convictions of officials do not reflect the true nature of the human rights violations that occurred.<sup>54</sup>

#### **Emblematic Cases:**

**Ayotzinapa:** On September 26, 2014, municipal police from Iguala, Guerrero opened fire on buses of students from the local rural teachers' college in Ayotzinapa; six people were killed, 20 injured, and 43 students were forcibly disappeared. These missing students were last seen in the custody of municipal police.

The investigation into this enforced disappearance has been highly flawed and fails to adequately assess the involvement of state and federal officials. Despite evidence linking the Mexican Army to the disappearance of the students,<sup>55</sup> the investigation carried out by federal authorities and the official hypothesis announced by the PGR in January 2015 fail to clarify the military's involvement. On the other hand, although municipal authorities have been accused, it would be difficult for multiple municipal governments to reach and maintain these levels of corruption and collusion with organized crime without the tolerance of state authorities, whose role has also not been adequately investigated or explained by the PGR.

None of the local authorities and non-state actors charged in connection with the Ayotzinapa case are on trial for enforced disappearance, but rather have been arrested for other charges,

such as kidnapping, that do not necessarily fit the crime, presenting both potential legal problems and an intent to minimize the cases' status as a as a case that does not involve grave human rights violations.

The Interdisciplinary Group of Independent Experts (IGIE) examining the case has already submitted four reports on the work it has carried out through June 2015. In all of the reports, the Group of Expert's main and first recommendation has been to continue the search for the students until there is certainty of their whereabouts. Given that the search for the students has been led by their relatives and the information they provide to the authorities, the Group of Experts has insisted that the federal government should use new technologies for the search, guarantee legal and human resources for this effort, and ensure the safe and informed participation of the families.

The Argentine Forensic Anthropology Team, which has served as an independent expert for the family members of the students, has confirmed that the "official" version of the facts presented in January 2015 by the federal Attorney General's office is not sufficiently substantiated in the evidence available and contains contradictions.<sup>56</sup> Given that the investigation of this case represents the maximum level of will and capability deployed in response to any case of enforced disappearance in Mexico, particularly when compared with the lack of investigation into most cases in the country, this situation is alarming. The Group of Experts and the CNDH have also received allegations of the use of torture to coerce detainees into making statements regarding this case.

It is extremely painful for the families of the students that the federal government has prioritized a strategy of international damage control in this case, centered on circulating case summaries to foreign governments via its diplomatic missions. These documents manipulate the facts, criminalize the students, and have re-victimized the Ayotzinapa parents, for example when they discover during their international awareness-raising trips that the officials of other countries are receiving false information about their children.

**Héctor Rangel Ortiz:** Héctor Rangel Ortiz was forcibly disappeared with two other people on November 10, 2009 after being stopped by municipal police in the northern city of Monclova, in Coahuila state. They had travelled to Monclova on a business trip from their hometown Querétaro in Querétaro state. Héctor phoned his family from a hotel to tell them he had arrived but that they had been stopped by municipal police entering the town and he was going to find out why the police had impounded one of their cars. That was the last time they heard from him. In the following days, Héctor's sister Brenda travelled to Monclova to look for Héctor, but was threatened by municipal police and state prosecutors who told her "not to raise dust" or the same thing would happen to her. She was repeatedly followed and fled the town fearing for her life. In the face of state inaction, Brenda pursued her own enquiries and suffered death threats as a consequence.

Between November 2009 and June 2013 authorities took very few steps, if any, to search for Héctor. In June 2013, the Federal Attorney General's Office informed Brenda that Héctor's case had been assigned to the newly created Specialized Search Unit for Disappeared People. To date, Héctor's whereabouts remain unknown and those involved in his enforced disappearance have not been brought to account.<sup>57</sup> In July 2014, Amnesty International urged State authorities to provide effective security for Brenda Rangel Ortiz and the families of the disappeared in Querétaro and to initiate a prompt, full and impartial investigation into the acts of intimidation against her and for those responsible to be held accountable.<sup>58</sup>

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<sup>1</sup> World Justice Project, *Rule of Law Index 2015*, <http://data.worldjusticeproject.org/>.

<sup>2</sup> Centro de Estudios sobre Impunidad y Justicia CESIJ, *Índice Global de Impunidad IGI 2015*, April 2015, [http://udlap.mx/cesij/files/IGI\\_2015\\_digital.pdf](http://udlap.mx/cesij/files/IGI_2015_digital.pdf).

<sup>3</sup> Instituto Nacional de Estadística y Geografía (INEGI), *Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública 2014 (ENVIPE)*, September 30, 2014, <http://bit.ly/1PXRHPd>.

<sup>4</sup> These cases are: Radilla Pacheco, Inés Fernández, Valentina Rosendo, and the Ecologists case (Cabrera García & Montiel Flores.)

<sup>5</sup> Available in Spanish on the website of the Inter-American Court:

Inter-American Court of Human Rights, *Resolución De La Corte Interamericana De Derechos Humanos Caso Cabrera García Y Montiel Flores Vs. México Supervisión De Cumplimiento De Sentencia*, April 17, 2015, [http://www.corteidh.or.cr/docs/supervisiones/cabrera\\_17\\_04\\_15.pdf](http://www.corteidh.or.cr/docs/supervisiones/cabrera_17_04_15.pdf). **and**

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<sup>6</sup> Comisión Nacional de los Derechos Humanos, *Palabras Del Licenciado Luis Raúl González Pérez, Presidente De La Comisión Nacional De Los Derechos Humanos, En La Presentación Del Informe Anual De Actividades 2014, Ante El Poder Ejecutivo Federal*, March 25, 2015,

<http://www.cndh.org.mx/sites/all/fuentes/documentos/Discurso/20150325.pdf>.

<sup>7</sup> Comisión Nacional de los Derechos Humanos, *Recomendación No. 51/2014*, October 21, 2014, [http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2014/REC\\_2014\\_051.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2014/REC_2014_051.pdf).

<sup>8</sup> Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro Prodh), *Tlatlaya a un año: La orden fue abatir*, June 2015,

[http://centroprodh.org.mx/index.php?option=com\\_docman&task=doc\\_details&gid=198&Itemid=28&language=es](http://centroprodh.org.mx/index.php?option=com_docman&task=doc_details&gid=198&Itemid=28&language=es). English summary available at <http://centroprodh.org.mx/en/?wpdmpro=one-year-after-tlatlaya-the-order-was-to-kill> and on file with Center Prodh. The quoted text is visible on page 3 of the English version, which also specifies: "In Spanish, the word used for "kill" in the order is "abatir," the term used by the army consistently and exclusively to mean "kill" both within the investigation of the Tlatlaya case and in the press releases of the army and navy over the last two presidential administrations, as well as in numerous public statements."

<sup>9</sup> Inter-American Court of Human Rights, *Caso Cabrera García y Montiel Flores Vs. México, Sentencia de 26 de noviembre de 2010*, [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_220\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_220_esp.pdf).

<sup>10</sup> See United Nations General Assembly, *Note verbale dated 26 November 2012 from the Permanent Mission of Mexico to the United Nations addressed to the President of the General Assembly*, UN Doc. A/68/2585, May 24, 2013, available at <http://www.ohchr.org/EN/countries/LACRegion/Pages/MXIndex.aspx> under "Voluntary Pledges and Commitments." [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/68/85](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/85).

<sup>11</sup> Comisión Nacional de los Derechos Humanos, *Recomendación No. 45/2010*, August 12, 2010, [http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2010/REC\\_2010\\_045.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2010/REC_2010_045.pdf).

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<sup>12</sup> *Personal Militar Involucrado En Conductas Ilícitas Consideradas Como Violaciones A Dd.Hh., Derivadas De Las 115 Recomendaciones Emitidas Por La C.N.D.H. En Contra De Esta Secretaría*, [http://www.sedena.gob.mx/images/stories/archivos/derechos\\_humanos/quejasyrecom/2013/octubre/PNAL\\_MIL\\_SENTENCIADO.pdf](http://www.sedena.gob.mx/images/stories/archivos/derechos_humanos/quejasyrecom/2013/octubre/PNAL_MIL_SENTENCIADO.pdf).

<sup>13</sup> Fabiola Martínez, "Osorio Chong: no se abrirá cuartel del Ejército en Iguala a expertos de la CIDH," May 20, 2015, *La Jornada*, <http://www.jornada.unam.mx/2015/05/20/politica/010n1pol>.

<sup>14</sup> Laura Castellanos, "Masacre de Apatzingán: La Intervención del Ejército (video)," *Aristegui Noticias*, May 24, 2015, <http://aristeguinoticias.com/2405/mexico/masacre-de-apatzingan-la-intervencion-del-ejercito-video/>.

<sup>15</sup> Laura Castellanos, "Fueron Los Federales," *Aristegui Noticias*, April 19, 2015, <http://aristeguinoticias.com/1904/mexico/fueron-los-federales/> ;

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<sup>16</sup> Amnesty International, *Out of Control: Torture and other ill-treatment in Mexico*, September 4, 2014, <http://www.amnestyusa.org/sites/default/files/amr410202014en.pdf>.

<sup>17</sup> Juan E. Méndez, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, <http://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx>.

<sup>18</sup> Alejandro Pacheco, "Relator contra la tortura de la ONU no fue profesional, ni ético; no vendrá de nuevo: SRE," *SDP Noticias*, March 26, 2015, <http://www.sdponoticias.com/nacional/2015/03/26/relator-contra-la-tortura-de-la-onu-no-fue-profesional-ni-etico-no-vendra-de-nuevo-sre>.

<sup>19</sup> Amnesty International, *Out of control: Torture and other ill-treatment in Mexico*.

<sup>20</sup> Cámara de Diputados, "Camera, Dip. Ricardo Mejía (MC) - Comparecencia del Lic. Jesús Murillo Karam (Ronda 2)," *YouTube*, minute 7:40, September 24, 2014, <https://www.youtube.com/watch?v=uox0adj-o4c>.

Note: testimony of then-Attorney General Jesús Murillo Karam before the Mexican Camara de Diputados (lower congressional chamber)

<sup>21</sup> Alfredo Méndez, "Asimilan criterios de jueces para ordenar libertad en caso de tortura," *La Jornada*, April 27, 2015, <http://www.jornada.unam.mx/2015/04/27/opinion/008n1pol>.

<sup>22</sup> This covers only cases in the federal system, which represents only approximately one-fifth of people on trial in Mexico.

<sup>23</sup> Observatorio Ciudadano del Sistema de Justicia, *El uso del arraigo a nivel federal, en el estado de Nuevo León y el Distrito Federal: Análisis de constitucionalidad, legislación y práctica*, 2015, <http://ocsjusticia.org/prensa/al-dia/item/23-informe-arraigo-medidas-cautelares-y-ejecucion-penal>.

<sup>24</sup> Juan E. Méndez, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Paragraph 25.

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<sup>26</sup> Comisión Estatal De Los Derechos Humanos De Chihuahua, *Informe De Labores De La Comisión Estatal De Los Derechos Humanos 2014, Mensaje Del Presidente De La Cehd De Chihuahua*, January 2015, <http://www.cedhchihuahua.org.mx/portal/informes/informe2014/informe-libro.pdf>.

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<sup>28</sup> Ver Arturo Ángel, "En ocho años la PGR sólo consignó uno de cada 100 casos de tortura," March 12, 2015, *Animal Político*, <http://www.animalpolitico.com/2015/03/en-ocho-anos-la-pgr-consigno-1-de-cada-100-casos-de-tortura/>.

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<sup>29</sup> Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro Prodh,), *Informe sobre patrones de violaciones a derechos humanos en el marco de las políticas de seguridad pública y del sistema de justicia penal en México*, June 2015, pp. 42-43, [http://centroprodh.org.mx/PatronesViolacionesDDHH\\_Prodh.pdf](http://centroprodh.org.mx/PatronesViolacionesDDHH_Prodh.pdf).

<sup>30</sup> Juan E. Méndez, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Paragraph 29.

<sup>31</sup> Amnesty International, *Out Of Control Torture And Other Ill-Treatment In Mexico*.

<sup>32</sup> Rocío Méndez Robles, "Pide CIDH unificar expedientes de investigación sobre normalistas de Ayotzinapa," *Noticias MVS*, May 11, 2015, [http://www.noticiasmvs.com/?fb\\_xd\\_fragment#!/noticias/denuncia-grupo-de-expertos-de-cidh-tortura-contra-detenidos-por-caso-ayotzinapa-714.html](http://www.noticiasmvs.com/?fb_xd_fragment#!/noticias/denuncia-grupo-de-expertos-de-cidh-tortura-contra-detenidos-por-caso-ayotzinapa-714.html).

<sup>33</sup> Amnesty International, *Out of Control*; Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro Prodh), Claudia Medina Tamariz case file, <http://bit.ly/1KEdxmF>

<sup>34</sup> Amnesty International, "Mexico: Three police officers charged with torture in landmark case – an opportunity for justice," April 16, 2015, <https://www.amnesty.org/latest/news/2015/04/mexico-three-police-officers-charged-with-torture-in-landmark-case-an-opportunity-for-justice/>.

<sup>35</sup> Amnesty International Report, *Out of Control: Torture and other ill-treatment in Mexico*.

<sup>36</sup> Suprema Corte De Justicia De La Nación, *Protocolo De Actuación Para Quienes Imparten Justicia En Asuntos Que Involucren Hechos Constitutivos De Tortura Y Malos Tratos*, 2014, [http://www.sitios.scjn.gob.mx/codhap/sites/default/files/archivos/paginas/protocolo\\_tortura\\_electronico.pdf](http://www.sitios.scjn.gob.mx/codhap/sites/default/files/archivos/paginas/protocolo_tortura_electronico.pdf)

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<sup>38</sup> United States Department of State, Bureau of Democracy, Human Rights, and Labor, *Mexico 42014 Human Rights Report*, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>39</sup> Ley General del Sistema Nacional de Seguridad Pública.

<sup>40</sup> Inter-American Court of Human Rights, *Caso Cabrera García y Montiel Flores Vs. México*, *Sentencia de 26 de noviembre de 2010*, paragraph 243, [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_220\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_220_esp.pdf).

<sup>41</sup> Procuraduría General de la República, "Acuerdo del Procurador General de la República por el que se crea el Sistema de Registro de Detenidos relacionados con delitos de competencia de la Procuraduría General de la República (SIREDA)," *Diario Oficial de la Federación*, May 24, 2010, [http://dof.gob.mx/nota\\_detalle.php?codigo=5143878&fecha=24/05/2010](http://dof.gob.mx/nota_detalle.php?codigo=5143878&fecha=24/05/2010).

<sup>42</sup> Amnesty International, *Out Of Control Torture And Other Ill-Treatment In Mexico*.

<sup>43</sup> U.N. Committee on Enforced Disappearances, *Concluding Observations on Mexico*, Eight Session, February 2015, <http://bit.ly/1J9QldT>

<sup>44</sup> A press release issued by the *Secretaría de Relaciones Exteriores* (Secretary of Exterior Relations, or SRE) stated that the recommendations issued by the Committee do not adequately reflect the information presented by Mexico nor does it offer additional elements that may reinforce the actions and commitments already in place to face such challenges ("las recomendaciones emitidas por el Comité no reflejan adecuadamente la información presentada por México ni aportan elementos adicionales que refuercen las acciones y compromisos que se llevan a cabo para solventar los retos mencionados"). Foreign Minister José Antonio Meade later refuted the report, citing inaccuracies that "make us think that the report wasn't exhaustive." (*lo que nos hace pensar que la revisión no fue todo lo exhaustiva que debió haber sido desde el punto de vista estadístico y actual*), SEGOB-SRE Joint Statement, "México Recibe Las Recomendaciones Del Comité Contra La Desaparición Forzada De La Onu," February 13, 2015, <http://saladeprensa.sre.gob.mx/index.php/en/comunicados/5589-060>.

And Víctor Ballinas, "Hubo inexactitudes en recomendación de la ONU sobre desapariciones: Meade," *La Jornada*, February 16, 2015, <http://www.jornada.unam.mx/ultimas/2015/02/16/hubo-inexactitudes-en-recomendacion-de-la-onu-sobre-desapariciones-meade-3302.html>.

<sup>45</sup> The *Centro Diocesano para los Derechos Humanos Fray Juan de Larios* in Saltillo, Coahuila found that only 26 of the 147 cases they had documented were listed in the Registry. Similarly, *Ciudadanos en*

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*Apoyo a los Derechos Humanos*, based in Nuevo Leon, found that only 23 of 61 cases it had documented could be found in the Registry. In the case of the *Comite Hasta Encontrarlos* they found that of the 82 cases of disappearances of human rights defenders, a mere 2 could be found in the registry. Fundar did the same exercise with 34 cases that it assists with, and could only find 12 cases in the Registry. *Informe sobre la crisis de desapariciones forzadas en México*, Thematic Hearing before the Inter-American Commission on Human Rights on Marcy 20, 2015.

<sup>46</sup> UEPDB's mandate a) search for and locate disappeared persons, and engage in criminal investigations and forensic identification; b) design, implement, supervise, and evaluate the necessary protocols for the location of disappeared persons and forensic identification based on international standards; c) establish working groups to promote investigations of specific cases of disappeared persons; d) coordinate agents of the Attorney General's Office and other governmental units to locate disappeared persons; and e) inform family members of the disappeared on the current status of investigations focused on locating victims.

<sup>46</sup> Procuraduría General de la República, "Acuerdo A/066/13 por el que se crea la Unidad Especializada de Búsqueda de Personas Desaparecidas y se establecen sus facultades," *Diario Oficial de la Federación*, June 21, 2013, [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5303411&fecha=21/06/2013](http://www.dof.gob.mx/nota_detalle.php?codigo=5303411&fecha=21/06/2013).

<sup>47</sup> Human Rights Watch, "Mexico: Letter to Interior Minister on Disappearances," October 8, 2014, <http://www.hrw.org/news/2014/10/08/mexico-letter-interior-minister-disappearances>.

<sup>48</sup> "En dos años la PGR ha localizado a 102 de 23 mil 271 desaparecidos," *Proceso*, January 19, 2015, <http://www.proceso.com.mx/?p=393548>.

<sup>49</sup> Tania L. Montalvo. "Gobierno federal y diputados disminuyen en 63% los recursos para la búsqueda de desaparecidos," *Animal Politico*, November 18, 2014, <http://www.animalpolitico.com/2014/11/gobierno-federal-y-diputados-disminuyen-en-63-los-recursos-para-la-busqueda-de-desaparecidos/>.

<sup>50</sup> *Informe sobre la crisis de desapariciones forzadas en México*.

<sup>51</sup> Government of Mexico, *Respuesta De México A La Lista De Cuestiones Emitida Por El Comité Contra La Desaparición Forzada*, <http://fundar.org.mx/wp-content/uploads/2015/01/Respuesta-de-Me%CC%81xico-a-la-lista-de-cuestiones-23-enero-20151.pdf>.

<sup>52</sup> Government of Mexico, *Informe Del Estado Mexicano Sobre La Convención Internacional Para La Protección De Todas Las Personas Contra Las Desapariciones Forzadas En Virtud Del Artículo 29 De La Convención*, March 2014, [http://fundar.org.mx/wp-content/uploads/2015/01/Informe\\_de\\_Me%CC%81xico-marzo-2014.pdf](http://fundar.org.mx/wp-content/uploads/2015/01/Informe_de_Me%CC%81xico-marzo-2014.pdf).

<sup>53</sup> *Ibid.*

<sup>54</sup> CADHAC has worked state authorities, families of victims and civil society organizations on cases. As a result, 63 people (including 18 public officials) have been indicted. Of these, 12 have been convicted (two public officials) and four public officials have been absolved. Apart from the four cases where officials have been absolved (and which are still under appeal) none of the accusations have been for enforced disappearance, rather, they have been investigated as kidnapping or illegal detention. Information provided by CADHAC.

<sup>55</sup> Public statements by survivors and statements in the investigation file indicating that the army was present in the area during the facts and allegedly had prior knowledge of the alliance between local police forces and the *Guerreros Unidos* criminal group.

<sup>56</sup> Equipo Argentino de Antropología Forense, *Documento inicial sobre investigaciones en el basurero de Cocula y Río San Juan*, February 7, 2015, [http://www.eaaf.org/files/comunicado-eaaf\\_7feb2015.pdf](http://www.eaaf.org/files/comunicado-eaaf_7feb2015.pdf)

<sup>57</sup> Amnesty International, *Mexico: Confronting a nightmare: Disappearances in Mexico*, June 4, 2013, <https://www.amnesty.org/en/documents/AMR41/025/2013/en/>.

<sup>58</sup> Amnesty International, *Further information on UA: 304/13 Urgent Action Relatives Of The Disappeared Intimidated*, July 31, 2014, <https://www.amnestyusa.org/sites/default/files/uaa30413.pdf>.