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Alfonso Martín del Campo Dodd New developments in a case of pending justice

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In spite of overwhelming documentation that his confession was obtained under torture and of irregularities in the legal proceedings, Alfonso Martín del Campo Dodd has been in prison for the last 17 years for the 1992 murder of his sister and brother-in-law in Mexico City, Mexico. This past month, on November 12, 2009, the Inter-American Commission on Human Rights (IACHR) issued a merits report on the case. As in its previous report on the case from October 2002, the Commission recommends that the Mexican government take all necessary measures to invalidate the confession obtained under torture, revise all of the judicial proceeding against Martín del Campo, immediately release him and provide him with adequate reparations for the human rights violations that he suffered. After so many years, now is the time for the Mexican government to deliver long-overdue justice on this case.

Background

On May 30, 1992, Alfonso Martín del Campo Dodd was arbitrarily detained by agents of the Mexico City Judicial Police (*Policía Judicial del Distrito Federal, PJDF*) after his sister and her husband were found dead in the home that they all shared. He was taken to the Benito Juárez branch of the PJDF where he was tortured by 10 to 12 police officers who suffocated him with a plastic bag, kicked him in the testicles and beat him with wet towels. He was then forced to sign and fingerprint a pre-prepared confession to both murders.

Despite the fact that two official medical certificates recorded bruising and facial injuries, and that he retracted his confession the first time that he was presented before the judge, Martín del Campo was found guilty of murdering his sister and brother-in-law on May 28, 1993 and was sentenced to 50 years in prison. The judge acknowledged that Martín del Campo made allegations that he was tortured, that he was forced to sign a confession and that medical records proved he had been injured. However, the ruling stated that Martín del Campo could not confirm that his injuries had been inflicted by the police. These conclusions contradicted an account by the police officer responsible for the interrogation who confirmed that Martín del Campo was stripped, threatened, had his head covered with a plastic bag, and was beaten.¹

¹ Amnesty International, *MEXICO: Unfair trials: unsafe convictions*,
<http://www.amnesty.org/en/library/asset/AMR41/007/2003/en/0af712ba-d72c-11dd-b0cc-1f0860013475/amr410072003en.html>.

Developments in the case

All efforts to establish Martín del Campo's innocence and to prove that he was tortured through Mexico's legal channels have failed. Having exhausted all internal appeals, the case was presented to the Inter-American Commission on Human Rights (IACHR) which accepted the case on October 28, 2001. In October 2002 the IACHR sent the Mexican Government its merits report on the case.² The government was given two months to fully comply with the recommendation that it "take measures to declare invalid the confession obtained under torture... and all of the proceedings that resulted from this confession; to revise all of the legal proceedings against the victim and to immediately release Alfonso Martín del Campo Dodd while these measures are substantiated."³ The Mexican government did not fulfill the recommendations and the case was submitted to the Inter-American Court of Human Rights.

On September 3, 2004 the Inter-American Court issued its sentence on the case. The Court ruled to accept the Mexican government's *ratione temporis* argument based on the fact that the Mexican government, when it recognized the Court's jurisdiction on December 16, 1998, had included an exception which stated that the Court could not address violations to the American Convention on Human Rights or the Inter-American Convention to Prevent and Punish Torture which occurred prior to Mexico's acceptance of the Court's jurisdiction. The Court filed the case but the IACHR continued to analyze the possible monitoring of the recommendations it had issued in its October 2002 report.

In Mexico, on March 9, 2006, the Mexican Senate issued a decree to demand that the President fulfill the IACHR recommendation and immediately release Martín del Campo, investigate and sanction those responsible for violating his human rights and repair the economic and moral damages inflicted on him. On May 9, 2006, the Legislative Assembly of the Federal District adopted a resolution to request that the Head of the Government of the Federal District proceed to release Alfonso Martín del Campo Dodd in fulfillment of the IACHR's recommendations. As a result, the federal Minister of the Interior issued a letter to the director of the Federal District's prison to comply with the Commission's recommendations. The director expressed his willingness to comply but stated that this request was not within his powers. In its 2009 report, the IACHR concluded that in spite of these and other measures their recommendations had not been effectively implemented by the Mexican government.⁴

The 2009 IACHR Report⁵

The IACHR's November 2009 report (No 117/09) is one of the few instances in which the Commission has continued to monitor a case that was sent to the Inter-American Court. This is

² Merits Report No 63/02, Inter-American Commission on Human Rights

³ Caso Alfonso Martín del Campo Dodd vs. Estados Unidos Mexicanos, Sentencia de 3 de septiembre de 2004, Corte I.D.H., (Ser. C) No. 113 (2004). <http://www1.umn.edu/humanrts/iachr/C/113-esp.html>

⁴ Inter-American Commission on Human Rights, *Informe No. 117/09: Caso 12.228: Alfonso Martín del Campo Dodd*, 12 November 2009.

⁵ *Ibid.*

due to the fact that the Court's resolution did not analyze the details of the case but rather issued its sentence based on its lack of jurisdiction *ratione temporis* given that the events occurred before the date on which Mexico accepted the Court's jurisdiction.

In its report, the Commission concludes that Alfonso Martín del Campo Dodd was arbitrarily detained on May 30, 1992 and that he was subjected to torture and other cruel and inhumane treatment by police officers from Mexico City in order to force him to confess to the murder of his sister and brother-in-law.

The IACHR also concludes that he was not granted the right to due process, emphasizing the denial of the right to the presumption of innocence. It also states that judges accepted Martín del Campo's confession as valid, despite the fact that it was obtained under torture.

After 17 years of denied justice, WOLA calls on the Mexican government to fulfill the recommendations issued by the Inter-American Commission on Human Rights in the case of Alfonso Martín del Campo Dodd to:

- Invalidate the confession obtained under torture and revise all of the judicial proceedings against Martín del Campo based on this confession;
- Immediately release Martín del Campo;
- Investigate the case in a complete, impartial, and effective manner to determine those responsible for human rights violations against Martín del Campo Dodd;
- Adequately compensate Alfonso Martín del Campo Dodd for the human rights violations established in this report.⁶

⁶ Ibid.