



Mexico City, May 31, 2013

### **Mexico needs greater political will and concrete action to halt the use of torture**

Today marks the conclusion of the international mission of the World Organization Against Torture (OMCT), based in Geneva, Switzerland, and Action by Christians Against Torture (ACAT), headquartered in Paris, France, to follow up on the recommendations issued by the UN Committee Against Torture (CAT) to Mexico in December 2012.

The mission began in the state of Guerrero, where the delegation discussed with local congresspeople and the state human rights commission the pending legislative reform that would define torture as a crime. "The adoption of this reform would be an important step forward and an example for other states of legislative harmonization in accordance with international standards, since it seeks to ensure effective investigation of torture and combat impunity," said Andrea Meraz, human rights officer in the OMCT.

On the other hand, the international delegation was concerned by the lack of punishment for perpetrators of serious human rights violations in Guerrero, as in the case of Ayotzinapa, where on December 12, 2011, authorities violently repressed a protest, extrajudicially executing two students as well as incurring in cases of torture, ill-treatment, and arbitrary arrest, among other serious human rights violations.

In the northern state of Chihuahua, the delegation was very concerned by the refusal of authorities to acknowledge the use of torture in the state, in contrast to the numerous cases of human rights violations, including torture, documented by civil society. The delegation considered unacceptable that representatives of the state executive and judicial branches sought to delegitimize the work of human rights defenders, even asserting that defenders are simply "inventing" cases in order to seek "a political post". A high-ranking judicial authority brought up the well-known case of Israel Arzate, recognizing that Arzate was tortured but claiming that he was guilty and a "highly dangerous criminal," even though the case is pending before the national Supreme Court. This authority's attitude was incompatible not only with the presumption of innocence but also with the independence that should characterize the judicial branch.

"We are alarmed by the situation in Chihuahua," stated Anne Boucher, head of ACAT's Latin America program. "Civil society, the media, and victims' families continue to document abuses, but authorities practically never investigate torture. Torture victims can't realistically hope to have access to justice."

In Mexico City, the delegation met with representatives of the executive, legislative, and judicial powers. Among the concerns expressed by the international organizations at the federal level were the lack of independence and promptness in the application of the Istanbul Protocol and the

persistence of *arraigo* (extended pre-charge detention), as well as the fact that legislative proposals to reform *arraigo* aim to shorten the period of detention rather than abolish it. The delegation also highlighted the need to reform the Code of Military Justice so that all cases of human rights violations committed by soldiers are investigated and tried by civilian authorities. Another topic addressed by the mission regarding the new criminal justice system was the need to ensure the exclusion of any evidence obtained under torture and avoid reproducing the bad practices of the old inquisitorial system in the new adversarial model.

In a meeting with representatives of the office of the President of the national Supreme Court, the delegation was informed of protocols and trainings aimed at federal judicial authorities to combat torture, which are especially relevant in light of the constitutional reforms in human rights and *amparo*, as well as the transition to the new justice system. The delegation also notes that in its 10<sup>th</sup> period of jurisprudence, the Court has issued criteria aimed at excluding evidence obtained under torture from criminal cases. It is to be hoped that the leadership of the Supreme Court has a true and measurable impact in the day to day work of judges throughout the country.

Finally, the delegation recalls that Mexico is due to send a one-year follow-up report to the UN CAT Committee in November of this year. Both international organizations call on the Mexican government to carry out all necessary actions to eradicate torture and impunity in Mexico.

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