

# AMNISTÍA INTERNACIONAL



## AMNESTY INTERNATIONAL ANNUAL REPORT 2013

### Mexico

President Calderón's government continued to ignore evidence of widespread human rights violations, such as arbitrary detentions, torture, enforced disappearances and extrajudicial killings, committed by security and police forces. During his six-year presidency, which ended in December 2012, more than 60,000 people were killed and 150,000 displaced as a result of drug-related violence. Drug cartels and other criminal gangs were responsible for the vast majority of killings and abductions, but often operated in collusion with public officials. The criminal justice system remained gravely flawed with 98% of all crimes going unpunished. Indigenous Peoples were at particular risk of unfair criminal justice proceedings. Migrants in transit were victims of attacks, including abduction, rape and people trafficking. Several journalists and human rights activists were killed, attacked or threatened. A protection mechanism for human rights defenders and journalists was established in law. Violence against women and girls was widespread. Impunity for grave human rights violations committed during the 1960s, 1970s and 1980s persisted. The National Supreme Court (Suprema Corte de Justicia de la Nación, SCJN) incorporated human rights obligations into groundbreaking rulings, including restrictions on military jurisdiction. The new government of President Enrique Peña Nieto signed a pact with other political parties, which included some human rights commitments, and made promises to combat continuing high levels of poverty.

## **Background**

In June, Enrique Peña Nieto of the Institutional Revolutionary Party (Partido Prevolucionario Institucional, PRI) was elected President and took office in December. The PRI also gained several state governorships and increased its representation in the Federal Congress. The acrimonious election campaign witnessed the emergence of a youth social protest movement, lam132# (YoSoy132#), critical of the electoral process and the PRI candidate.

Insecurity and violence arising from President Calderón's militarized response to organized crime dominated political debate. In May, a drug cartel was allegedly responsible for leaving 49 dismembered bodies in Caldereyta, Nuevo León state; the identities of the dead had not been established by the end of the year. The Movement for Peace with Justice and Dignity continued to call for an end to violence and for all those responsible to be held to account. President Calderón's government vetoed the General Law on Victims. The Law, which the Movement for Peace with Justice and Dignity had promoted and which Congress approved, strengthened the rights of victims of the violence, including the right to reparation. In December, the new government of President Enrique Peña announced that the veto on the law was withdrawn.

In August, despite the failure of Mexican authorities to meet human rights conditions set by the US Congress as part of the Merida Initiative – a regional security co-operation agreement – the US State Department recommended that Congress release the 15% of funds subject to the conditions.

UN thematic committees on racial discrimination, discrimination against women and torture reviewed Mexico's compliance with treaty obligations and issued recommendations during the year. Mexico took some steps to comply with Inter-American Court of Human Rights judgements on the cases of Rosendo Radilla, Inés Fernández, Valentina Rosendo, Rodolfo Montiel and Teodoro Cabrera. However, victims continued to demand full compliance.

## **Public security**

Members of the army, navy and the federal, state and municipal police were responsible for widespread and grave human rights violations in the context of anti-crime operations and when operating in collusion with criminal gangs. The government consistently refused to acknowledge the scale and seriousness of the abuses or the lack of credibility of official investigations. Impunity was widespread, leaving victims with little or no redress.

The National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) received 1,921 complaints against the armed forces and 802 against the Federal Police. Twenty-one recommendations were issued against the army and navy and nine against the Federal Police during the year. There was no publicly available information on police prosecuted and convicted for human rights violations. Only eight military personnel were convicted in the military justice system during the year.

## **Arbitrary detention and torture and other ill-treatment**

There was widespread use of arbitrary detention, torture and ill-treatment to obtain information and confessions from suspects under interrogation. The CNDH reported receiving 1,662 complaints of torture and ill-treatment during the year. There were no reported convictions for torture during the year.

Pre-charge judicial detention (arraigo) continued to be used routinely by federal and state prosecutors to hold suspects for up to 80 days pending investigation. Arraigo detention seriously undermined the rights of detainees, whose access to lawyers, family and medical attention was severely restricted, creating a climate in which reports of torture and ill-treatment were routine. In November, the UN Committee against Torture called for the abolition of arraigo. However, only the states of Chiapas, Oaxaca and Yucatán eliminated its use.

- On 18 January, three brothers – Juan Antonio, Jesús Iván and 14-year-old Luis Adrián Figueroa Gómez – were picked up by judicial police in Ciudad Juárez, Chihuahua state. They were reportedly beaten, threatened and given electric shocks to force them to confess to extortion of local businesses. Their statements were video recorded and filed as evidence. However, signs of torture were ignored by officials, when the three were remanded in custody. They filed a complaint of torture, but by the end of the year there was no information about any investigation into their allegations.
- On 1 December, violent protests in Mexico City against the inauguration of the new President resulted in 97 detentions. The majority of those detained were released in the following days. The Federal District Human Rights Commission documented instances of ill-treatment and torture as well as arbitrary detentions. On 27 December the remaining 14 detainees were released on bail. There was no information available on the investigation into alleged abuses committed by police.

## **Excessive use of force and extrajudicial executions**

The CNDH recorded at least 25 killings of bystanders in armed encounters between criminal gangs and the security forces. Failure to conduct full investigations of the vast majority of killings prevented identification of many victims, clarification of circumstances of the killings, and the prosecution of perpetrators.

- On 3 February, an Indigenous man, Carmen Puerta Carrillo, was shot and killed as he drove by a military base in the community of Baborigame, municipality of Guadalupe y Calvo, Chihuahua state. Eyewitnesses reported that soldiers opened fire without warning or provocation. Relatives were reportedly warned by military officials not to pursue the legal complaint.
- The CNDH issued a damning report in March on the killing of two student teachers from Ayotzinapa rural teacher training college in Guerrero state during protests in December 2011 and the torture and ill-treatment of other students. The report implicated federal and state officials in the abuses. Three state officials were in prison, but many others were not brought to justice during the year. In May, Vidulfo Rosales, a human rights lawyer working on the case, received a death threat.

## **Enforced disappearances**

In December, a leaked report from the Federal Attorney General's Office indicated that there had been at least 25,000 reports of abductions, disappearances and missing persons throughout the country during President Calderón's administration. Criminal gangs were responsible for the majority of abductions, but public officials were also implicated in some cases. The CNDH was investigating 2,126 cases of reported enforced disappearances.

The fate of victims remained unknown in most instances. The authorities were frequently reluctant to investigate cases, particularly enforced disappearances, leaving relatives to conduct their own enquiries – often at grave risk of reprisals from the perpetrators – to establish the fate of their loved ones. In some states, relatives of victims were treated with contempt as officials made unfounded allegations about the presumed criminal associations of victims. In the states of Coahuila and Nuevo León, victims and human rights organizations obtained commitments from local officials to review cases and institute rapid search and investigation responses to reports of disappearances. Commitments by federal

government to establish a nationwide database on the disappeared remained unfulfilled.

According to the CNDH, there were at least 15,921 unidentified bodies and more than 1,400 remains had been exhumed from clandestine mass graves. In March, the UN Working Group on Enforced or Involuntary Disappearances published a report highlighting alarming levels of enforced disappearance and impunity in Mexico.

In November in Nuevo León state, legislation was approved criminalizing enforced disappearance. In virtually all other states and at federal level, enforced disappearance was not criminalized in accordance with international human rights standards. The new government made commitments to rectify this.

- In May, Moisés Orozco Medina was reportedly detained by members of the municipal police in Uruapan Municipality, Michoacán state. The authorities denied any knowledge of his detention and his fate had not been clarified by the end of the year. His brother and father had been abducted by armed men in 2009 and 2008; their fate remained unknown and the state authorities had failed to provide information on the investigation into the cases by the end of the year.

## **Migrants' rights**

Migrants in transit continued to face abduction, murder and forced recruitment into criminal gangs. Migrant women and children were at particular risk of abuses. Public officials were often suspected of colluding with criminal gangs and committing other abuses against migrants, such as extortion and arbitrary detention.

Despite government commitments to combat all abuses against migrants, measures remained ineffective and state governments failed to prevent and punish crimes against migrants. In November, the implementing code of the new Migration Law came into force. In October, mothers of disappeared Central American migrants toured Mexico in search of their relatives. A database of missing migrants had still not been established by the end of the year and the identification of remains believed to be of migrants did not progress. Those defending migrants' rights continued to face threats in reprisal for their work.

- In July, the migrants' shelter in Lechería, Mexico state, was closed after repeated threats by criminal gangs against migrants and shelter workers.

State authorities failed to ensure effective protection and some local residents protested against the presence of the shelter. Migrants and human rights defenders continued to face threats and insecurity in Huehuetoca, where alternative temporary shelters were opened.

- In October, eyewitnesses reported that at least 40 migrants were kidnapped from a freight train in Medias Aguas, Veracruz state. An official investigation failed to establish the fate of the migrants and denied that the abduction had taken place.

## **Human rights defenders and journalists**

Human rights defenders and journalists continued to face attacks and threats as a result of their work. At least six journalists were killed. The Special Federal Prosecutor's Office for Crimes against Journalists failed to make progress in most cases of murdered journalists. The vast majority of investigations into attacks and threats against human rights defenders also remained unresolved. A law establishing a protection mechanism for human rights defenders and journalists was promoted by civil society and approved by Congress in April. The new government made commitments to establish the mechanism and prioritize protection of human rights defenders and journalists.

- In April and May, four journalists were killed in Veracruz state: Regina Martínez, correspondent for the investigative magazine Proceso; and local photojournalists Gabriel Hüge, Guillermo Luna and Esteban Rodríguez. Those responsible had not been brought to justice by the end of the year despite state and federal level investigations.
- In February, Lucila Bettina Cruz was arbitrarily arrested in Santa María Xadani, Oaxaca state, as she left a meeting with members of the Federal Electricity Commission. She was charged with illegally detaining public officials, but was later released on bail. She had been participating in peaceful protests by local Indigenous Peoples whose lands were affected by wind-farm construction.

## **Indigenous Peoples' rights**

Indigenous Peoples in different regions of the country continued to suffer high levels of exclusion and discrimination, with limited access to many essential

services. They were often denied their right to free, prior and informed consent on development and resources projects affecting their traditional lands. The criminal justice system routinely denied Indigenous people fair trial guarantees and effective redress.

One area of progress was the review of emblematic cases by the SCJN.

- In October, the SCJN overturned the conviction and ordered the release of Hugo Sánchez Ramírez, a young Indigenous taxi driver from Mexico state, who had been wrongly imprisoned for a kidnapping in 2007 after state police and prosecutors fabricated evidence against him.
- In November, the SCJN overturned the convictions of José Ramón Aniceto Gómez and Pascual Agustín Cruz and ordered their release. The two Indigenous human rights defenders and prisoners of conscience from Alta, Puebla state, had been falsely accused of stealing a car in 2009 and were denied a fair trial. They had been convicted in July 2010 on fabricated criminal charges in reprisal for extending water access in their community.
- Alberto Patishtan, an Indigenous man convicted for killing seven policemen in Chiapas state in 2000, remained in prison pending the outcome of his legal petition to the SCJN against his conviction. Amnesty International raised with the SCJN its concerns that he had been denied the right to a fair trial leading to an unsafe conviction.
- The Wixárika continued to campaign for an end to mining concessions in their ancestral pilgrimage sites in the Wirikuta, San Luis Potosí state. The government promised to create a biodiversity park to protect part of the land, but by the end of the year the Wixárika had not been adequately consulted on the project.

## **Discrimination and violence against women and girls**

Violence against women and girls, including beatings, rape, abduction and murder, was widespread in many states. Legislation to prevent and punish violence was not enforced effectively and the training of officials on dealing appropriately with gender-based crimes was not adequately monitored to ensure compliance. Despite commitments to improve investigation of gender-based violence, new police investigation protocols were not introduced during the year and perpetrators usually evaded justice. Protection orders remained inoperative in many states and victims faced continued threats. The government's public security policy and high

levels of criminal violence reportedly led some authorities to pay less attention to gender-based violence. Some states introduced the crime of “femicide”(gender-based killing of women), but much state level legislation continued to be inconsistent with international human rights obligations.

- In the first three months of 2012, at least 13 bodies of young women and girls were discovered in the Valle de Juárez district outside Ciudad Juárez. Seven bodies were reportedly identified as those of girls aged between 15 and 17 who had been abducted in central Ciudad Juárez.

## **Military jurisdiction**

In August, the SCJN reviewed a series of cases to establish the limits of the military justice system. This followed four Inter-American Court of Human Rights’ judgements on the issue and constitutional human rights reforms in June 2011 establishing the obligation to apply international human rights treaties. The SCJN ruled that cases in which military personnel are implicated in ordinary crimes, including human rights violations, not specifically related to military discipline must be dealt with in the civilian federal justice system. In the case of Bonfilio Rubio Villegas, an Indigenous teacher killed by the army at a roadblock in Guerrero state in 2009, the Court established relatives’ right to challenge military jurisdiction. By the end of the year, the SCJN had not established the jurisprudence to direct the decisions of lower courts in similar cases and uncertainty remained about the application of military jurisdiction.

In April, proposed reforms to the Code of Military Justice to exclude human rights violations were blocked. By the end of the year, the new Congress had not taken up legislative proposals to bring the Code into line with the Inter-American Court or SCJN judgements. The federal government failed to issue instructions to prosecutors to ensure that all preliminary investigations were conducted solely by civilian authorities.