

Baroness Catherine Ashton

High Representative of the Union for Common Foreign
and Security Policy
Vice President of the European Commission

**AMNESTY
INTERNATIONAL**



EUROPEAN INSTITUTIONS OFFICE

Brussels, 4 September 2014

Ref: B1609

Dear Baroness Ashton,

THE EU MUST ACT NOW TO STOP TORTURE IN MEXICO

Torture and ill-treatment in Mexico is out of control with a 600 per cent rise in the number of cases reported to the National Human Rights Commission in the past decade, according to Amnesty International's report [*Out of control: Torture and other ill-treatment in Mexico*](#).ⁱ Amnesty International calls on the European Union (EU) and its member states to take concrete measures to address individual cases of torture in Mexico while acting for countrywide change.

Mexico has seen a serious rise in torture and other ill-treatment in the context of public security policies, implemented by successive administrations at the federal, state and municipal level, to tackle violent criminal activity. Torture is widespread and persistent amidst a prevailing culture of tolerance and impunity. Between 2010 and the end of 2013, the National Human Rights Commission received more than 7,000 complaints for torture and other ill-treatment. Victims in different parts of the country told Amnesty International that they were subject to beatings, death threats, sexual violence, electric shocks and near asphyxiation at the hands of police or the armed forces, often with the aim of extracting "confessions" or incriminating others in serious crimes.

In August 2012, Claudia Medina was arbitrarily arrested, beaten, and electrocuted at a naval base in Veracruz. She was forced to sign a confession she had never read. Subsequent medical reports confirmed her allegations of torture but to date, nobody has been held to account. Prosecutors continue to pursue the unfounded case against her, based on her arbitrary detention and evidence extracted under torture.ⁱⁱ

Only seven torturers have ever been convicted in federal courts and even fewer have been prosecuted at state level. On the rare occasion official investigations into allegations of torture happen, they are often flawed. The Federal Attorney General's Office's special forensic procedure to investigate cases of torture and other ill-treatment often falls well short of the international standards outlined in the "United Nations (UN) Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (Istanbul Protocol). Despite these shortcomings many prosecutors and judges rely on these flawed official investigations and often refuse to accept other independent evidence.

Despite legal prohibition, the criminal justice system continues to accept evidence obtained as a result of arbitrary detention and torture, even in those states which are implementing judicial reforms. The failure to effectively investigate allegations of torture means victims face an impossible burden of proving that their statements were rendered as a result of torture. This not only encourages the continued use of torture and other ill-treatment, but it also means that unfair trials and unsafe convictions are rife, further undermining the credibility of the justice system and the human rights of criminal defendants. The government's announced training programme is not sufficient to end impunity and deter the use of torture. Recognising the scale of the problem is crucial to establishing the measures necessary to confront the situation.

The EU and its member states have a key role to play in stopping torture and ill treatment in Mexico. Since 2008, the EU and Mexico have been engaged in a strategic partnershipⁱⁱⁱ with the explicit potential to intensify interchanges between the EU and Mexico on human rights.^{iv} In addition, the civil society seminar attended by Mexican, EU and EU member state officials as part of the regular EU-

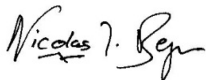
Mexico human rights dialogue (most recently held in Brussels in March 2014) developed concrete recommendations to strengthen the response to torture in Mexico.^v

In line with EU commitments to put human rights at the centre of all external action, and with the EU Guidelines on Torture^{vi}, Amnesty International calls on the EU and its member states to:

- Take concrete action and adopt explicit public positions on individual cases of torture survivors and on the wider issues of torture in Mexico, using all tools available, including political dialogues, demarches, bilateral and multilateral cooperation, engagement in regional and international fora, and trial observation
- Use all opportunities, in particular high-level political exchanges, to call for the Mexican government to recognise the scale of torture and other ill-treatment in Mexico and to demonstrate the political will needed to tackle it
- Use all opportunities in exchanges with the Mexican government, including on justice, security, organised crime, and human rights, to take clear and, as relevant, public positions on the need to overhaul the current application of the Istanbul protocol by the Federal Attorney General's Office as a first step to ensure full, prompt and independent investigations into torture and other ill-treatment, including making forensic services independent of the Federal Attorney General's Office
- Include human rights defenders (HRDs) who support and represent torture victims in the development of EU and member state strategy against torture in Mexico, while also ensuring that HRDs and the rest of local civil society are fully informed about the protection framework provided by the EU human rights guidelines, in particular those on HRDs and torture
- Take concrete steps to ensure that justice reform includes effective safeguards against torture as well as follow up in the justice system for cases of torture and ill-treatment that do occur
- Ensure that such work on the justice system in Mexico includes:
 - Explicit instruction from top federal authorities to all police, military, prosecutors, judges, public defenders, official medical forensic staff that failure to report suspected incidents of torture and other ill-treatment is a criminal offence which will be pursued vigorously and to report annually on cases
 - The review and reform of investigation of allegations of torture and other ill-treatment to ensure they are conducted in line with the Istanbul Protocol, including strengthening independence of investigations and official forensic examiners
 - Reinforced recognition by judges and prosecutors of evidence provided by independent medical experts, including human rights commissions
 - Exclusion of evidence obtained under torture and guarantees that burden of proof rests with police, military and prosecutors to demonstrate evidence is gathered without violations of human rights
 - The development of a special judicial review mechanism for cases where prosecutions or convictions are obtained as a result of torture and other ill-treatment

We welcome your action to stop torture in Mexico and stand ready to provide any further information you may require.

Yours sincerely,



Dr. Nicolas J. Beger
Director

Cc:

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ⁱ The report is the first in a series of five different country reports to be released as part of Amnesty International's global Stop Torture campaign, see <http://www.amnesty.org/en/stoptorture>.

ⁱⁱ See "Mexico: Claudia Medina Tamariz," <https://campaigns.amnesty.org/actions/stop-torture-claudia>

ⁱⁱⁱ "Communication from the Commission to the Council and the European Parliament: Towards an EU-Mexico Strategic Partnership," 15 July 2008. http://eeas.europa.eu/mexico/docs/com08_447_en.pdf; "Mexico-European Union Strategic Partnership: Joint Executive Plan," 16 May 2010.

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/er/114467.pdf

^{iv} "In the new political context created by the Strategic Partnership, the EU and Mexico will have more opportunities to deal in depth with sensitive issues, even domestic ones. This will better enable the parties to pursue - with increased energy - the safeguarding of shared values, such as human rights, democracy, rule of law, good governance and legal security."

^v "Strengthen institutions in order to advance in the investigation of grave human rights violations.

- The Mexican government should create an autonomous and independent body of health professionals trained in, and available to apply, objective examinations following the Istanbul Protocol.
- The Mexican government should create an inter-institutional mechanism to seek victims of enforced disappearance (both Mexicans and foreign nationals). The EU should lend any technical assistance requested by Mexico in this area...
- The governments of both regions should generate statistics that measure the impact of criminal violence, domestic violence, and grave human rights violations on the population, with a focus on women and other groups in situations of vulnerability.
- The EU should strengthen the application of the Guidelines to EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment.
- The member States of the European Union should investigate and punish the perpetrators of rendition and torture in the context of the so-called war on terror, as well as sanction cases of spying on the civilian population."

^{vi} See also the public statement, "EU must step up efforts to stop torture: the UN Convention against Torture 30 years on," 26 June 2014.

http://www.amnesty.eu/content/assets/Press_Release_images/260614_Stop_Torture_public_statement.pdf