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Federica Mogherini
High Representative of the Union for Foreign
Affairs and Security Policy

18 May 2016

Dear High Representative Mogherini,

HUMAN RIGHTS MUST BE AT CENTRE OF EU-MEXICO RELATIONS

Ahead of your forthcoming visit to Mexico, Amnesty International is writing to call on you to ensure that human rights remain at the centre of your exchanges with your Mexican counterparts and of relations between the European Union (EU) and Mexico at this crucial moment. In particular, we call on you to raise key human rights concerns around enforced disappearances and disappearances by non-state actors, torture and ill treatment, and human rights defenders (HRDs) in line with the human rights commitments of the EU and its member states. Crucially, your visit will frame several other forthcoming exchanges with Mexico, including the revision of the Global Agreement and the Human Rights and Security and Justice Dialogues.

Enforced disappearances and disappearances by non-state actors. According to current official figures, more than 27,000 people have disappeared or gone missing in Mexico since 2006, most under the current administration of President Enrique Peña Nieto. Many of these abductions have been carried out by criminal gangs and it is unclear whether any public officials played a role. In other cases, there is direct or indirect involvement of public officials, amounting to enforced disappearances. Impunity is the norm for these crimes. In 2015, the government told the United Nations (UN) Committee on Enforced Disappearances that it had achieved 13 convictions in cases of enforced disappearances. In its latest report, Amnesty International documented the case of Cuauhtémoc City, in the northern state of Chihuahua, where 374 people have gone missing according to official records, and the disappearance of 43 students from the Ayotzinapa teachers' training college in the southern state of Guerrero.¹ There are no convictions in either case. The Mexican government is yet to bring all perpetrators to account, adopt international recommendations and take structural measures to prevent and punish disappearances.

The Mexican Senate is currently discussing a "general law on enforced disappearances and abductions" (*ley general sobre desapariciones forzadas y desapariciones por particulares*) which could be a step forward to prevent and punish these crimes. However, the bill needs to be strengthened in order to be effective. For example, the definitions of both crimes should comply with international standards, it should lay out responsibilities for those in the chain of command, and it should establish the obligation to provide emergency support to relatives of disappeared people. President Peña Nieto promised to make this piece of legislation a reality in November 2014. To date, the bill remains stalled in Senate committees and it is uncertain when it will be passed into law.

¹ Amnesty International, "Treated with Indolence: The State's Response to Disappearances in Mexico," 13 January 2016, <https://www.amnesty.org/en/documents/amr41/3150/2016/en/>

Torture and other ill-treatment continue to be widespread and persistent in Mexico. The vast majority of cases take place in the hours after the arrest of a “suspect”, in order to extract “confessions” or information which incriminates others. The case of Yecenia Armenta Graciano, charged with murder based on a “confession” obtained through torture, exemplifies the issue²; a judge is expected to rule on her case in the coming months. Torture and other ill treatment happen in the broader context of the public security crisis that the country is facing and the government’s response to it, including the deployment of thousands of soldiers and Navy marines to carry out anti-crime operations. Impunity for torture cases remains the norm. There have only been 15 convictions for torture at the federal level in Mexico since torture became a crime in 1991, despite more than 7,000 complaints of torture and other forms of ill treatment filed with the National Human Rights Commission between 2010 and 2013. In addition, official forensic medical examinations of alleged victims of torture are very few compared to the number of complaints and are often poorly carried out.

The Mexican government’s position is that torture is a recurrent practice that has not yet been eliminated, but it is not widespread. In 2015, the Federal Attorney General’s Office approved a Standardised Protocol to Investigate Torture for use by prosecutors throughout the country. Although this is a sign of progress, a lot will depend on its implementation and, to date, the Federal Attorney General’s Office has not released information in this regard. In April 2016, the Senate approved a bill towards a General Law on Torture with several important advances but also some shortcomings; the Lower Chamber will debate the bill when it reconvenes in September. Today, Mexico stands at a crossroads where concrete progress can be made to address torture and other ill treatment; EU political engagement can make a crucial difference at this juncture.

Many **Human Rights Defenders (HRDs)** are threatened, intimidated, harassed and killed every year in Mexico as a reprisal for the legitimate and crucial work that they do. A federal government programme, the Mechanism for the Protection of Human Rights Defenders and Journalists, has been in place since 2013, but still falls short of its obligations to protect activists at risk in an adequate and timely manner. Ildefonso Zamora Baldomero is an Indigenous human rights defender who has been in detention since November 2015, on fabricated charges that seem to be politically motivated in order to stop him from speaking out against illegal logging around his community. Amnesty International considers him a prisoner of conscience³ and asks the Mexico state authorities to drop the charges against him and release him immediately and unconditionally.

Amnesty International calls on you to use the opportunity of your visit to Mexico to raise these urgent human rights issues in line with EU commitments to place human rights at the centre of all external action. In particular, we urge you to engage with the Mexican government to:

- Carry out full, prompt and impartial investigations into all allegations of torture and of enforced disappearances and abductions, including those reported in Cuauhtémoc City and the case of the 43 Ayotzinapa students, making the results public and bringing those responsible to account
- Send out a clear message to all officials and lawmakers that enacting general laws on torture and disappearances are top legislative priorities in the country. These bills should be strengthened in consultation with victims and experts, and approved as soon as Congress reconvenes in September.
- As part of these efforts, the Federal Attorney General’s Office must overhaul the application of official forensic medical examinations so that they fully comply with the Istanbul Protocol. Official forensic experts must be independent from the Attorney General’s Office and must examine all alleged victims in an adequate and prompt manner; independent medical forensic examinations must be given equal evidential weight as those carried out by official experts.

² Amnesty International, “*Mexico: Trial of woman tortured to confess murder comes to a close,*” 4 May 2016, <https://www.amnesty.org/en/press-releases/2016/05/mexico-trial-of-woman-tortured-to-confess-murder-comes-to-a-close/>

³ Amnesty International, “*Mexico: Indigenous environmental activist named ‘prisoner of conscience,’*” 9 May 2016, <https://www.amnesty.org/en/latest/news/2016/05/mexico-indigenous-environmental-activist-named-prisoner-of-conscience/>

- Carry out and publish a detailed assessment of the implementation of the 2015 Standardised Protocol to Investigate Torture and the results it has borne to date in terms of charges being laid and successful prosecutions
- Ensure the Mexico state authorities drop the charges against human rights defender Ildefonso Zamora and release him immediately and unconditionally
- Release Yecenia Armenta from prison, delivering adequate reparation and justice for the torture and arbitrary detention that she suffered.

Finally, in the same spirit, we urge you to ensure full material support and political backing for the joint projects agreed to by the EU and Mexico during the 2015 Human Rights Dialogue, including EU funded technical support and programming to reinforce the work of the Mexican government on torture, enforced disappearances, and human rights defenders.

Thank you in advance for your engagement for human rights in Mexico, and we stand ready to provide any further information you may require.

Yours sincerely,



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