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Mexico: Killings and abductions of women in Ciudad Juárez and the City of Chihuahua - the struggle for justice goes on

Amnesty International welcomes the publication of the concluding report of the Federal Special Prosecutor's Office investigating the murders of women in Ciudad Juárez and the naming of a new Special Prosecutor, Alicia Elena Pérez Duarte, to lead the new national Special Prosecutor's Office for violent crimes against women.

The organization particularly welcomes the official recognition in this fourth report that there was systemic failure to prevent and punish many of the crimes against women in Ciudad Juárez, Chihuahua state, during many years.

However, the organization has several concerns regarding the methodology and conclusions of Special Prosecutor's Office, which is part of the Office of the Attorney General of the Republic (*Procuraduría General de la República, PGR*). In particular, despite continuing high rates of violence against women and impunity in Ciudad Juárez, the PGR appears to downplay the scale of the crimes committed against women and suggests that a "perception different from reality" has been created about the crimes by those seeking to highlight the crimes and impunity.

The basis for these conclusions is reportedly the technical legal (*técnico-jurídico*) review of the evidence contained in case files of the investigations undertaken by the local Chihuahua State Attorney General's Office since 1993. However, this review has not largely involved full fresh investigations, with the re-interviewing of witnesses or gathering other new evidence.

Nevertheless, as a result of this review, 177 state officials were found to have been possibly responsible for negligence or omission in the original investigations. However, none of these officials has been brought to justice by the state authorities as the statute of limitations has been applied in their favour.

The PGR conclusions also appear to ignore the recommendations of international and national organizations, such as the government's own Special Commission for the Prevention and Eradication of Violence against Women in Ciudad Juárez, to ensure that the crimes are analysed from a gender perspective, in order to determine the role the victim's gender played in the motive and commission of the crime.

The PGR appears to have concluded that only those crimes involving sexual violence – approximately 20% of the 379 murders documented - amount to gender violence. Domestic violence appears not to be considered gender-based violence and also appears to be necessarily excluded from the category of sexual violence. Other murders are classified as resulting from *social violence*, a concept which appears

to necessarily exclude, without explanation, the gender of the victim as a factor in the murder. Another element not given proper consideration is the role played by the climate of violence against women and impunity which may have facilitated the commission of crimes.

While Amnesty International welcomes the work of the PGR to review and systematize the case information, it has failed to transparently establish a gender sensitive methodology or facilitate access to case files in order that its work is open to impartial evaluation. As a result, the PGR review appears to have failed to overcome some of the deficiencies of the original investigations.

The report also argues that Mexico's federal structure of government limits the PGR's legal capacity to directly investigate cases or hold state authorities to account. However, even in the 24 cases where the PGR assumed direct jurisdiction, the report makes no mention of advances in bringing the perpetrators to justice. Furthermore, while Amnesty International recognises the restrictions of the national legal framework, these should not be used as an excuse to avoid responsibility as the Mexican State as a whole is responsible for enforcing its international human rights obligations.

Above all, the situation in Ciudad Juárez remains serious with at least 28 murders of women reported last year and continuing high levels of impunity, particularly for past cases. The PGR has not reviewed the cases that occurred in Chihuahua City nor has there been a systematic judicial re-examination of the cases of those accused or convicted of murders who allege they were tortured into signing false confessions. In this final report the PGR does not refer in substance to these allegations of torture or ill-treatment, highlighting Mexico's longstanding failure to hold those responsible for such crimes accountable.

Amnesty International has always maintained that the pattern of violence against women and impunity in Ciudad Juárez and Chihuahua City was of complex nature involving many different forms of crimes and perpetrators, with widespread institutional failings to prevent and punish those really responsible. The families of the victims have struggled tirelessly for justice and it's through their efforts that national and international attention was finally drawn to the situation.

Background

In 2003 Amnesty International issued a report, *Intolerable Killings: 10 years of abductions and murders of women in Ciudad Juárez and Chihuahua* highlighting the pattern of killings and abductions of women in Ciudad Juárez and the City of Chihuahua. The report concluded that 370 women had been murdered in a variety of contexts, possibly a third of which indicted the sexual violence. Many of the half the cases have still not resulted in the perpetrators being brought justice and doubt remains about the soundness of judicial procedures given allegations of torture. The long running campaign for justice by families of the victims has been crucial to the limited progress so far achieved.