

Ref: TIGO IOR 40/2011.036

Mr Jeremy J. Sarkin
Chairperson – Working Group on Enforced or
Involuntary Disappearances
Office of the High Commissioner for Human
Rights, UNOG-OHCHR
CH-1211 Geneva 10
Switzerland

**AMNESTY
INTERNATIONAL**



AMNESTY INTERNATIONAL INTERNATIONAL SECRETARIAT
Peter Benenson House, 1 Easton Street
London WC1X 0DW, United Kingdom
T: +44 (0)20 7413 5500 F: +44 (0)20 7956 1157
E: amnestyis@amnesty.org W: www.amnesty.org

4 March 2011

Dear Mr Sarkin

FORTHCOMING VISIT OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES TO MEXICO

Amnesty International welcomes that the Working Group on Enforced or Involuntary Disappearances (WGEID) will hold its 93rd session from 15 to 18 March in Mexico City and the visits that will take place in the context of the session to various states, including, as we understand, Chihuahua and Coahuila.

Amnesty International has documented an increasing number of cases of enforced disappearance or possible enforced disappearance in Mexico in recent years. As with the 700 cases of enforced disappearance which occurred during Mexico's "dirty war" from the 1960s to the 1980s, the victims' fate and whereabouts have not been established, those responsible have not been brought to justice and relatives have not received reparations.

The new cases of enforced disappearances frequently occurred in the context unprecedented levels of criminal violence and the deployment of 50,000 Armed Forces personnel and Federal Police to combat criminal gangs, principally in the north of Mexico. In December 2009, Amnesty International published a report highlighting emblematic cases of enforced disappearance, extrajudicial killings and torture by members of the army.

The report includes the case of the enforced disappearance of brothers Carlos Guzmán Zúñiga and José Luis Guzmán Zúñiga by members of the army on 14 November 2008. Despite the family's efforts to press the authorities to investigate their detention by military personnel, and the Federal Police admitting to having participated in the operation with the military, the military have denied its involvement and the fate of the two men remains unknown. In 2010 the Zúñiga brother's family decided to relocate after unexplained visits by military personnel to their home created increasing fear for their safety.

The report also includes cases of arraigo (pre-charge preventive detention) carried out in military barracks. Amnesty International believes that the use of arraigo to carry out detentions and hold suspects for prolonged periods of time without adequate supervision, access to defence and relatives is a serious violation of the right not to be subject to arbitrary detention. Suspects can be detained at locations which are not always recognizable as official detention centres and are vulnerable to torture. The UN Working Group on Arbitrary Detentions and the Committee on Torture have also referred to arraigo as a form of arbitrary detention in which detainees are vulnerable to torture and have called for its elimination.

For further details please see the enclosed Amnesty International report:

- *Mexico: New reports of human rights violations by the military*, Index Number: AMR 41/058/2009, 8 December 2009 (also available in Spanish at the following link: <http://www.amnesty.org/en/library/info/AMR41/058/2009/en>).

Amnesty International visited Chihuahua in November 2010 and received testimony from relatives of victims of enforced disappearance in several northern states. We also received testimony from victims of abductions or possible enforced disappearances. In these cases, the extreme insecurity has made it virtually impossible to obtain witness evidence to enable clear identification of perpetrators. As a result it is often difficult to establish whether state agents were involved in the abductions.

What can be definitely established is that many relatives experienced obstacles and disrespectful treatment by police and prosecutors offices when trying to file criminal complaints and press the authorities to conduct full investigations. The apparent failure of the authorities to investigate these abductions has frequently prevented clarification of cases in which state agents are suspected of involvement and denied relatives' access to justice in cases where criminal gangs are suspected of acting alone. In both situations, relatives are denied the basic elements of justice and remedy, as well as rights specifically recognised in the International Convention for the Protection of All Persons from Enforced Disappearance, which as you will know came into force for Mexico on 23 December 2010, Mexico having ratified the Convention on 18 March 2008.

For further information Amnesty International recommends that the Working Group speaks in the context of its visit to the following contacts:

- Gustavo de la Rosa (gustavo.delarosa@gmail.com), visitador of the Chihuahua State Human Rights Commission; Tel: (656) 6293300 ext 56437;
- Lucha Castro (lucha_castro@hotmail.com), Justicia para Nuestras Hijas, Chihuahua; Tel: (614) 4 15 41 52;
- Consuelo Morales (direccion@cadhac.org), Ciudadanos en Apoyo a los Derechos Humanos, Nuevo Leon, Tel, (81) 8343-5058;
- Blanca Martinez (bimartinez05@hotmail.com), Centro Diocesano de Derechos Humanos Fray Juan de Larios, Coahuila, Tel (844) 412 3784 / 412 3794 ext 125.

For examples of recent cases of abductions and killings see also the Amnesty International Urgent Actions available at the following links:

- *Mexico: Further information on UA 01/10: Family of murdered activist found dead*, Index: AMR 41/008/2011, 25 February 2011, <http://www.amnesty.org/en/library/info/AMR41/008/2011/en>; and *Mexico: Further information: Family of murdered activist at risk*, Index: AMR 41/005/2011, 8 February 2011, <http://www.amnesty.org/en/library/info/AMR41/005/2011/en>.
- *Mexico: Mexican community leader abducted*, Index: AMR 41/069/2010, 17 September 2010, <http://www.amnesty.org/en/library/info/AMR41/069/2010/en>.
- *Mexico: Three arrested unlawfully by army*, Index: AMR 41/006/2010, 12 January 2010, <http://www.amnesty.org/en/library/info/AMR41/006/2010/en>.

Since 2008, Amnesty International has documented systematic abuses committed against irregular migrants in transit in Mexico, particularly abduction, rape and murder. Criminal gangs, often acting in complicity or with the acquiescence of public officials, are predominantly responsible for these attacks. The National Human Rights Commission reported 11,000 kidnappings in a 6 month period in 2010. Those responsible for organizing and carrying out this widespread pattern of abductions are rarely held to account. A significant number of abducted migrants are never located. Despite commitments to establish a database for relatives in Central America to record details of their missing family members to aid investigation, the Mexican authorities have failed to implement this important measure.

In the few cases of migrants who have been abducted by criminal gangs which have been subjected to detailed enquiries, public officials are often implicated in either passing detained migrants to gangs or coordinating actions to facilitate abductions. Nevertheless, few officials have been subject to criminal investigation and none to charges of enforced disappearance.

For further information please refer to the enclosed report:

- *Mexico: Invisible victims. Migrants on the move in Mexico*; Index Number: AMR 41/014/2010, 28 April 2010 (also available in French and Spanish at the following link: <http://www.amnesty.org/en/library/info/AMR41/014/2010/en>).
- See also the recent Urgent Action: *Mexico: Lives of kidnapped migrants at risk*, Index: AMR 41/007/2011, 22 February 2011, <http://www.amnesty.org/en/library/info/AMR41/007/2011/en>.

Amnesty International also recommends the Working Group to contact:

- Lic. Fernando Bautista, 5th Visitador of the National Human Rights Commission, Tel: (55) 56 81 81 25 and 54 90 74 00;
- Axel Garcia (promocionhumanadpnh@gmail.com), Dimensión Pastoral de la Movilidad Humana, DF, Tel: (55) 5517-2204 / 5517-2411.

We hope this information will be useful for the Working Group. Do not hesitate to contact us should you require further details or have any specific questions. We would also be more than happy to arrange an oral phone briefing by our research team in London, should this be helpful for you in preparation of or during the visit.

Yours sincerely,



Matt Pollard
Legal Adviser

Enclosed

- *Mexico: New reports of human rights violations by the military*, Index Number: AMR 41/058/2009, 8 December 2009 (also available in Spanish at the following link: <http://www.amnesty.org/en/library/info/AMR41/058/2009/en>).
- *Mexico: Invisible victims. Migrants on the move in Mexico*; Index Number: AMR 41/014/2010, 28 April 2010 (also available in French and Spanish at the following link: <http://www.amnesty.org/en/library/info/AMR41/014/2010/en>).