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Mexican military abuse cases must be tried in civilian courts

The sentencing of 14 Mexican soldiers for the killing of five civilians in 2007 is a positive step, but such cases must be heard in civilian, rather than military, courts Amnesty International said today.

Mexico's Defence Department yesterday announced that a court martial had imposed jail terms ranging from 40 years to 16 years over the fatal shooting of two women and three children whose vehicle failed to stop at an army checkpoint in the state of Sinaloa.

The country's National Human Rights Commission has received more than 6,000 complaints of human rights abuses by the Mexican armed forces since the end of 2006. However, it is very rare for soldiers to be tried and convicted of abuses.

"It is positive that the perpetrators of this particular crime have been identified and held to account, but major questions remain about the details of their sentences," said Susan Lee, Americas Director at Amnesty International.

"For instance, given the opaque nature of military justice in Mexico, we do not know the full facts of the case, or how long these men will actually serve in a military prison," Susan Lee said.

According to the military authorities, prior to these sentences, only two military officials had been convicted of abuses against civilians since President Calderon took office in December 2006. All cases relating to alleged abuses by armed forces have been handled by the military justice system.

The Inter-American Court of Human Rights has issued a series of judgements against Mexico requiring all human rights violations committed by the military to be investigated and tried by civilian courts. Earlier this year, the Mexican Supreme Court (Suprema Corte de Justicia de la Nación) ruled that cases involving alleged human rights abuses by the armed forces should be removed from military jurisdiction. So far, there is no evidence that this is happening.

President Calderon's administration has depended on the army to combat organised crime, including heavily-armed drug trafficking gangs. Since 2006 there has been an alarming surge in the number of allegations of human rights abuses by the military.

"With the exception of these cases, the military justice system has consistently failed to deliver justice to the victims of these abuses or hold the guilty to account, leading to a climate of impunity," said Susan Lee.

"It is time for the Mexican authorities to comply with the rulings of the Inter- American court and Mexico's Supreme Court by transferring investigations and trials of abuses by the armed forces to civilian courts."