

## Web Action WA 004/07; AI Index AMR 41/005/2007

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### [Action title]

#### **Mexico: Laws but no justice**

### [Action extract]

Mexico's federal and state authorities are failing to deliver effective justice and security, creating a situation where human rights abuses are widespread. President Calderon's new government and Congress have an opportunity to ensure real change.

### [Action text]

In Mexico, the criminal justice system is gravely flawed. The country's law and enforcement agencies and judicial system do not effectively protect people from human rights abuses, and perpetrators are rarely brought to justice.

These systemic deficiencies lead to arbitrary detentions, torture, fabrication of evidence and unfair trials.

Human rights activists, Martin Barrios and Felipe Arreaga were detained on the basis of politically motivated criminal charges, still commonly used against human rights defenders and political activists in several states. Elionai Santiago Sánchez and Ramiro Aragon were arrested, beaten and tortured in Oaxaca in 2006. Many people are subjected to unfair judicial proceedings. Despite these abuses, no-one has been held to account.

The explicit right to the presumption of innocence is absent in Mexico's constitution. In practice most individuals accused of a crime are presumed guilty. Lack of access to effective defence counsel further undermines the right to a fair trial. Often the poorest and most vulnerable in society, such as indigenous peoples, suffer the most.

Now President Calderon's new government has the opportunity to make real changes and rebuild confidence in the authorities' capacity to guarantee and deliver equal access to justice and security.

In order to do this, the government and Congress must introduce reforms placing the protection of international human rights standards at the core of the public security and justice system.

### [Call to action]

Call on the President of Mexico and the President of the Mexican Chamber of Deputies to seek prompt and substantial reform of the public security and criminal justice system within a human rights framework.

### [Sample letter]

Dear President of the Republic / President Chamber of Deputies ,

I am writing to express my concern about widespread human rights violations occurring in the context of the public security and criminal justice system in Mexico. Those responsible must be held to account, and prompt and substantial reform to prevent further abuses needs to be urgently introduced.

I am particularly concerned about the following issues:

- unfounded criminal charges against human rights activists and political opponents;
- use of torture and ill-treatment during detention and/or to obtain confessions;
- criminal suspects are often presumed guilty until proven innocent;
- lack of effective defence from the moment of detention, especially for indigenous and poor people;
- the broad concept of *in flagrante* detentions which encourages arbitrary arrests;
- impunity in cases of human rights violations.

It is evident that the public security and criminal justice system in Mexico needs substantial reform to ensure effectiveness and respect for human rights of both victims of crime and criminal suspects.

Mexican authorities have no excuse to continue delaying reform; it must be a priority if official commitments to protect human rights are to be fulfilled and if the security of all citizens is to be ensured.

The following steps need to be taken:

- explicit integration of international human rights standards established in human rights treaties ratified by Mexico;
- making the presumption of innocence a fundamental right protected in law and practice;
- stopping torture and ill-treatment of criminal suspects and ensuring that only confessions made before a judge in the presence of a lawyer are admissible as evidence;
- ensuring access to effective defence counsel from the moment of detention;
- making the forensic services independent and impartial;
- limiting police detention powers in line with international standards to end the widespread use of arbitrary arrests;
- strengthening accountability mechanisms to ensure officials responsible for abuses are held to account;
- ending the use of politically motivated criminal charges against human rights defenders and political opponents in reprisal for their legitimate activities

Yours sincerely,

**[Target contact details]**

**[A]**

**President of the Republic**

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**Salutation:** Señor Presidente / Dear Mr President

**[B]**

**President Chamber of Deputies**

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**Salutation:** Señor Diputado/ Dear Deputy

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Image: Felipe Arreaga Sánchez in Zihuatanejo Prison  
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