

AMNESTY INTERNATIONAL

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Mexico: A Historic Opportunity Should Not Be Lost

Amnesty International welcomes the decision to remove the paragraph of Constitutional reforms which would have given powers to police to enter homes without judicial authorization.

However, the reforms still include various articles that are not consistent with international human rights norms. Amnesty International hopes that the Senate will ensure that no article violates these standards before approving the reforms.

There are various positive aspects to the reform, such as the recognition of the presumption of innocence, procedural equality between defence and prosecution, the inadmissibility of evidence gathered illegally and other advances in establishing effective due process. However, the inclusion of a special regime for organized crime cases exempt from many of these safeguards undermines the advances.

In particular, the organization is concerned about the wide definition of organized crime and the incorporation of lengthy pre-charge detention (*arraigo*) into the Constitution for these cases. The authority of the Public Prosecutor to detain someone for up to 80 days on the basis of suspicion, without being obliged to present evidence or charges, has been repeatedly criticised by various human rights mechanisms of the UN and the Inter American Commission on Human Rights, as this power lends itself to abuses, unfair trials and miscarriages of justice.

Amnesty International calls on legislators to rectify these deficiencies in the reforms and ensure that the foundations of the criminal justice and public security system are consistent with international human rights standards and guarantee equal access to justice without discrimination.

Background

Amnesty International recently published a brief analysis of the initiative to reform the criminal justice system: *Mexico: Reforms to the criminal justice system: steps forward, steps backward*, 7 February 2008, AMR 41/004/2008

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