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Mexico: Amnesty International completes High Level Mission - President Calderon commits to human rights

(Mexico City) Amnesty International today concluded its high level mission to Mexico with a meeting between President Felipe Calderon and Amnesty International Secretary General Irene Khan. It was preceded by earlier meetings with senior ministers, legislators, members of the National Supreme Court, members of civil society, survivors of human rights and the state government of Oaxaca.

Speaking at a press conference Ms Khan stated:

Mexico has taken a dual-track approach championing human rights on the international stage, while failing to ensure their effective implementation at home equally for all Mexicans.

The purpose of Amnesty International's mission has been to clarify the commitment of the new administration to human rights and their willingness to put an end to this schizophrenic approach to human rights.

Amnesty International's meetings with the Mexican government were open and constructive. President Calderon acknowledged Amnesty International's contribution to the development of human rights in Mexico and expressed his own commitment to upholding human rights. He was open to receiving recommendations from Amnesty International on his reform initiatives.

The real test will be how the President reflects and implements human rights in his forthcoming legislative and policy reforms. Amnesty International calls on the President to show clear and visible leadership.

In its earlier meeting with Deputies and Senators, and in today's meeting with President Calderon Amnesty International called on them to ensure legal reform that will include in particular reform of the Constitution so that it expressly recognises international human rights guarantees. The President agreed to support such a provision.

Public security and criminal justice reform

This Administration has made public security a major priority. Amnesty International's experience around the world and decades of work on Mexico show that public security cannot be achieved on a sustainable, effective basis without respect for human rights.

The best way of tackling organized crime and corruption is through the rule of law and human rights. Transparency and accountability, which lie at the core of human rights, are as important for protecting the integrity of state institutions from organized crime and corruption, as they are for safeguarding the human rights of individuals. It is therefore in the interest of the Administration to put human rights at the centre of their public security strategy.

The flaws in the public security and criminal justice system in Mexico currently allow for arbitrary detention, torture, ill-treatment, denial of due process, unfair trials, political interference in the administration of justice, and widespread impunity. The poorest and most vulnerable are often victims of these abuses

Amnesty International believes that the government's current proposals do not adequately cover:

- o Independent and impartial accountability mechanisms for police and prosecutors. Initiatives to reform the police

foresee a significant increase in police powers, to ensure that this power is not abused there should also be a commensurate strengthening of accountability mechanisms.

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- o Judicial proceedings that effectively guarantee the equality between the defense and the prosecution at all stages of the judicial process and uphold the presumption of innocence and all other due process rights. This is the best means of preventing miscarriages of justice, ensuring the rights of the suspect and ensuring that the guilty are properly punished, thus ensuring justice for the victim of crime.
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- o Judicial oversight of police and public prosecutors so as to prevent abusive practices, including torture and ill-treatment of suspects.

Amnesty International advocated to the President the inclusion of these principles in the on-going package of reforms. The President agreed on the need for adequate oversight and accountability of police and investigating authorities and asked for more information on the experience of other countries.

The role of the military in public security

Amnesty International noted the statement from the Minister for Public Security that steps are being taken to professionalize the police service and remove military personnel from the Ministry of Public Security.

However, the government's decision to extend the role and function of military personnel in law enforcement increases the risk of human rights violations and impunity. Already a number of such cases have come to light.

Amnesty International stressed that:

- o the use of the military in policing operations is not a sustainable, long-term solution;
- o the lines of responsibility and rules of engagement of the military in joint policing operations should be made very clear;
- o the use of force by the military in policing operations should be in accordance with international policing standards;
- o any allegations of human rights violations should be investigated within the civilian justice system.

While highlighting the Army's role in dealing with organized crime, President Calderon took note of Amnesty International's concerns. In particular, he stated that human rights crimes should not only be investigated and prosecuted by military justice but also by the civilian justice system.

Federal and State jurisdiction for human rights: the Oaxaca case

While Mexico is a party to many human rights treaties, their implementation have suffered, largely because of the divide between state and federal jurisdictions.

Too often authorities at both state and federal levels have hidden behind constitutional complexities and avoided taking responsibility to address impunity and abuse.

The disconnect between Federal and State powers has created a gap between promise and delivery of human rights. The result is that whether or not the human rights of Mexicans are protected depend on which state they live in.

The Federal government has a responsibility to ensure the human rights of all Mexicans are protected, regardless of what part of the country they live in.

A lottery of human rights is unacceptable.

Oaxaca is a prime example. Following a year of monitoring, extensive field visits to Oaxaca and meetings with officials at state and federal level, survivors of human rights violations and civil society, Amnesty International's report *Oaxaca: clamour for justice* documents a pattern of police abuse (including, arbitrary arrest, torture and ill-treatment and harassment) committed by state as well as federal officials. The organization also recognizes that criminal offences may have been committed by the protesters.

One year down the road, there is still no tangible progress in bringing to justice those responsible for violating human rights or committing criminal offences in Oaxaca.

State agencies primarily responsible for investigating abuses in Oaxaca are themselves accused of committing human rights violations. Apart from investigating a number of killings, federal authorities have shown no willingness to undertake or ensure effective and impartial investigations into the wide range of human rights violations that have taken place.

Amnesty International called on President Calderon to ensure that there is no impunity in Oaxaca, either of those

responsible for criminal offences during the protest or of officials accused of human rights violations.

Amnesty International welcomed the Supreme Court's decision to investigate the cases of Oaxaca and Atenco and will submit further information to these investigations.

However, these investigations are no substitute for the responsibility of the Federal and State authorities to bring to justice those implicated in human rights violations. President Calderon's commitment to human rights will be tested by his willingness to take decisive action to break the cycle of impunity which has persisted in situations like Oaxaca and Atenco.

Mexico and the protection of human rights internationally

The picture is not entirely bleak, Mexico has played a positive role in the international stage, most recently in the establishment of the UN Human Rights Council. Amnesty International encouraged the Administration of President Calderon to build on that positive record by taking leadership in the worldwide abolition of the death penalty.

Mexico should play a prominent role in promoting a United Nations General Assembly resolution calling for a universal moratorium on the death penalty. Such resolution could be an important step towards achieving total abolition of the death penalty.

A death penalty free world can become a real possibility, if countries like Mexico are ready to show leadership. President Calderon expressed his support for the initiative. By taking up this challenge President Calderon would not just help the 54 Mexican nationals on death row in the USA, but would also stop executions worldwide, including in: China, Iran, Iraq, Pakistan, Sudan and the USA.

Background

Amnesty International has carried out a high level mission to Mexico from 31 July.

Amnesty International's (AI) delegation will include: Susan Lee, Director of the Americas Programme; Judit Arenas, Head of the Office of the Secretary General; Rupert Knox, Researcher on Mexico and Nancy Tapias-Torrado, Campaigner on Mexico.

This is the third time Irene Khan leads a visit to Mexico since 2003 and the first to take place under the new administration. Amnesty International's delegation met with President Calderon, the Minister of Foreign Affairs, the Minister of Interior, the Minister for Public Security, members of the Supreme Court, deputies and senators, members of civil society and survivors of human rights abuse. The delegation visited Oaxaca and Guerrero.

In addition to the issues covered above, Amnesty International also called on the Mexican Government to take steps to protect journalists and human rights defenders, including from indigenous communities.

The organization welcomed legislative initiatives to increase protection of women from violence, but expressed its concern at continuing high levels of violence, murder and impunity, including in Ciudad Juarez and Chihuahua City.

In addition to Oaxaca, the delegation also visited Guerrero to meet those affected by the proposed La Parota dam project. Amnesty International called on the authorities to ensure full respect for the right to information and conduct genuine, effective consultations with the communities affected directly and indirectly.

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