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Mexico: Reform the criminal justice system and end torture

(Mexico City) Torture continues to play a key role in Mexico's criminal justice system -- it is still widely used by state agents and forms the basis of numerous unfair convictions, Amnesty International said today as it launched its report *Unfair trials: unsafe convictions*.

The new report documents several cases in which the defendants' right to a fair trial has been violated and the criminal justice system has failed to provide effective judicial remedy.

"These cases are but an example of how people are still tortured by police into confessing to serious crimes, and how these confessions are then accepted as evidence in court against the most fundamental principles of justice," said Rupert Knox, Amnesty International's researcher on Mexico.

"While the federal government has acknowledged the continuing use of torture, effective action to end this practice is still a long way off and those caught up in these perverse justice mechanisms continue to suffer daily injustice."

Amnesty International has received reports of irregularities at every stage of judicial proceedings, indicating that fair trial procedures that conform to international standards ratified by the Mexican government are routinely and consistently undermined.

The judicial system is seriously flawed as a result of:

- arbitrary detentions;
- suspects not being brought before a judge within the legal time frame;
- poor legal representation;
- inadequate forensic examinations to substantiate signs of torture by doctors attached to the Public Ministry;
- insufficient judicial supervision of procedures.

"These flaws in the system in turn perpetuate a culture of impunity for torturers and encourage the continuation of this unacceptable practice," Rupert Knox added.

The cases included in Amnesty International's report demonstrate how difficult it is to challenge evidence tainted by torture and force the criminal justice system to recognise the abuses perpetrated in the name of justice.

One such case is that of brothers Enrique and Adrián Aranda Ochoa who were arrested in June 1996 and forced -- after several hours of torture at the hands of judicial police -- to sign a confession they were not allowed to read. They were told that if they did not ratify their confession before the judge, their families would suffer the consequences. Despite medical evidence of torture, their confessions were used to convict and sentence them to 50 years' imprisonment. Over six years later, an arrest warrant issued against one of the policemen involved in their torture has not been acted on, while the brothers remain in prison awaiting the outcome of their final appeal.

"The right to effective redress is a fundamental principle of international human rights law. The fact that those convicted on the basis of forced confessions are denied this right is an ongoing violation and further fuels the cycle of impunity and abuse," Rupert Knox stressed.

Amnesty International's report documents cases that clearly demonstrate the use of torture to extract confessions and the repeated failure of respective authorities to address the injustice and abuses suffered by the victim. While the acts of torture mentioned in the report took place under previous governments, the present authorities are responsible for ensuring that these victims have access to effective redress. Nevertheless, Amnesty International continues to receive reports of torture, with more recent cases documented in Oaxaca and Ciudad Juarez.

"It is vital that the authorities begin to tackle not only the ongoing use of torture, but also the legacy of its use which resulted in numerous unsound convictions. There must be an independent review of these and other similar cases in order to prevent further injustice," Rupert Knox said.

"The present administration has released a number of prisoners whose ongoing detention was manifestly unjust and continued to cause national and international concern, but this is not enough. The challenge now is to secure redress to those suffering injustice, and to tackle the roots of the problem."

Amnesty International and other Mexican and international human rights organizations have repeatedly identified many of the problems in the criminal justice system -- from policing practices to the role of public prosecutors and defence attorney, to the judiciary -- and have suggested solutions.

The present administration has made a number of important commitments to seriously tackle these issues. The proposed *Reforma del Estado* and the UN Technical Assistance Programme provide a vital framework for developing and agreeing policies to this effect at the federal, state and municipal level.

"The implementation of these measures requires not only clear sighted determination on the part of the executive, but also the endorsement and support of all branches of the state," Rupert Knox warned.

"To build public confidence in the criminal justice system, it is crucial that the Mexican government implements a thorough reform of the judicial system, targeting all those mechanisms which facilitate torture and ill-treatment and contribute to the impunity of those responsible."

Background

The document is the latest in a series of reports published by Amnesty International as part of its long-term campaign against torture and impunity in Mexico. In 2001 Amnesty International published [Justice betrayed - torture in the judicial system](#) (AI Index: AMR 41/021/2001) that examined some of the main reasons behind the failure of the Mexican authorities to effectively address and put a stop to torture and [Torture cases - calling out for justice](#) (AI Index: AMR 41/008/2001) documenting several cases of torture and ill-treatment that reflected many of the key issues the government needs to address.

Public Document

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