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Mexico: Enforced disappearance, a state crime ignored and downplayed

Amnesty International is calling on the Mexican government to specify what measures it will take to comply with the recommendations on Mexico of the Working Group of Enforced and Involuntary Disappearances presented to the UN Human Rights Council on Tuesday.

The Working Group's report highlights the terrible dimensions of this grave violation of human rights in Mexico and the lack of a government policy designed to prevent and punish this crime.

Organizations of relatives of disappeared persons and the National Human Rights Commission have reported the disappearance of thousands of people. The majority of these reports have not been adequately investigated, which has prevented determining whether public officials are involved. This is crucial as the involvement of public officials determines whether it is a crime of enforced disappearance, for which the State is responsible.

The report shows that the impunity enjoyed by those responsible for systematic enforced disappearances committed during the 'dirty war' of the 1970s and 1980s has been a key factor in permitting the return of recurrent enforced disappearances during the present context of violence. Impunity for those responsible and lack of access to justice for the relatives of the victims continue to be common themes.

The refusal of the authorities to recognize the true dimensions of this phenomenon and the involvement of public officials in these crimes - whether by commission, omission, or collusion with organized crime groups - has enabled this crime to spread to many parts of the country.

The fact that a legal framework that conforms to international standards on enforced disappearances has not been established at a federal or a state level is a strong indicator of the official lack of action in the face of these grave human rights violations and the lack of a comprehensive policy.

The report also highlights the absence of adequate investigations into the disappearances of thousands of people during the violence of recent years whose whereabouts are still unknown.

Moreover, the report describes the negligent and discriminatory treatment of relatives of disappeared persons by the authorities. The lack of investigation has, in many cases, served as justification for the authorities to treat the disappearances as cases of abduction by organized crime groups rather than as possible enforced disappearances.

The Working Group does not ignore the role of criminal groups but it emphasizes that the authorities' obligation is first to investigate and find the victims, and then to identify all those responsible and to determine whether it is an enforced disappearance. Guaranteeing dignified treatment of the relatives and access to justice and truth is a fundamental obligation of the Mexican State.

Amnesty International welcomes the recent news of an initiative to establish a database to register cases of disappeared persons. However, the Mexican government cannot congratulate itself on this measure until it has resulted in an effective and accessible mechanism for the families of victims, which facilitates thorough and impartial investigations.

The Mexican government's official response to the report highlighted its compliance with the obligation to exclude cases of human rights violations from military jurisdiction, a recommendation reiterated by the Working Group.

Amnesty International is concerned that the government has announced this change, but that in reality it has not been implemented. In practice, the military justice system continues to claim jurisdiction in individual cases and many federal civilian prosecutors deny their obligation to investigate reports of human rights violations - such as forced disappearances committed by members of the armed forces - on the grounds that legal reforms have not been officially implemented. This being the situation, it is premature to argue that the government has complied with its obligation.