



AMNESTY INTERNATIONAL Public Statement

26 March 2008
AI Index: AMR 41/015/2008

Mexico: A positive but insufficient step. Mexico ratifies the Convention on Enforced Disappearance

Amnesty International welcomes Mexico's decision to ratify the International Convention for the Protection of all Persons from Enforced Disappearance on 18 March. This international instrument establishes a total ban on this crime and obliges States Parties to adapt their domestic legislation to comply with the provisions of the Convention, including – in the case of Mexico and other federal states – that of all the federation's constituent states.

However, Amnesty International has noted with concern Mexico's failure to recognise the competence of the Committee on Enforced Disappearances established to receive and examine communications submitted by the victims of this crime or their families or representatives.

It must be recalled that the effectiveness of Mexico's international commitments is relative. In fact, its courts of justice, including the Supreme Court, tend to attribute an inferior status to human rights protection treaties than to some domestic laws, despite the express stipulation of the Vienna Convention on the Law of Treaties - to which Mexico is a State Party - prohibiting parties to invoke the provisions of internal laws as justification for their failure to comply with a treaty.

Although the organization considers that the Mexican State's decision to become a party to the Convention is positive, it is clear that Mexico has not taken the necessary steps to adequately investigate and prosecute all past cases of enforced disappearance, which remain unpunished and those responsible have not been brought to justice.

In 2006, the project for the clarification of historical truth conducted by the then Special Prosecutor's Office for Past Social and Political Movements recorded no less than 700 enforced disappearances, which occurred between 1968 and 1985. As far as the

organization is aware, to date no-one has been convicted for cases of enforced disappearance.

One reason which, in the organization's opinion, contributes decisively to this impunity is the disproportionate powers given to military courts to hear crimes perpetrated by military personnel, including – and in contravention to international law – numerous cases under their jurisdiction of enforced disappearance, torture, extrajudicial killing, rape and other sexually related crimes.

In Amnesty International's opinion, if the Mexican authorities sincerely wish to put an end to enforced disappearances and other human rights violations then they must remove the cloak of impunity surrounding their investigation. Among other concrete steps, the organization recommends that the ordinary – and not the military – courts should be permitted to hear such cases without interference and that the Mexican State should comply fully with the obligations enshrined in the human rights protection treaties, including the inapplicability of a statute of limitations on crimes under international law committed in the past. These important measures, among others, should be rapidly adopted and would undoubtedly contribute to the effective application of the provisions of the Convention on Enforced Disappearance recently ratified by Mexico.

Background

Mexico is a State Party to virtually all human rights protection treaties and has undertaken to bring its domestic legislation into line with these. However, human rights violations and impunity are widespread. The failure of successive administrations to ensure that those responsible for these crimes, including hundreds of enforced disappearances committed between the 1960s and 1980s, are investigated and brought to justice continues to deny victims and their families the right to truth, justice and full reparation.

END/