

AMNESTY INTERNATIONAL PUBLIC STATEMENT

14 July 2011

Index: AMR 41/047/2011

An historic step for justice in Mexico

Amnesty International welcomes the decision by the Mexican Supreme Court to remove alleged human rights violations committed by the armed forces from military jurisdiction.

The decision represents an historic step in the struggle to limit the jurisdiction of the military courts and to guarantee victims of abuses the right to an effective remedy.

It also sets an important precedent with regard to the obligation to comply with judgments handed down by the Inter-American Court of Human Rights (Inter-American Court) and international human rights treaties.

Amnesty International urges the Mexican State authorities, as well as the Attorney-General's Office, to accept this decision and conduct the necessary investigations into reports of human rights violations committed – both in the past and currently – by the armed forces.

Over recent months the organization has documented several cases of enforced disappearance with regard to which no investigations to clarify the facts have been carried out by either the military or civilian authorities.

So far, the National Defence Ministry, the Naval Ministry and the Interior Ministry have expressed willingness to partially comply with the Supreme Court decision. Amnesty International hopes that they accept the obligatory nature of this decision and also recognize that it represents a positive step in terms of demonstrating that the armed forces is committed to being subject to civilian controls and accountable before society.

Amnesty International also believes that the Supreme Court's decision charts the way forward for the Executive and Legislature to amend the military penal code in line with this decision and judgements handed down by the Inter-American Court.

The proposal currently put forward by the government does not comply with these requirements in that it only removes enforced disappearance, torture and rape from military jurisdiction while leaving the initial investigation for determining whether a crime has been committed in the hands of the Military Attorney-General's office. This draft bill should be amended to remove the investigation and prosecution of all alleged human rights violations committed against civilians by members of the armed forces from military jurisdiction.

The Supreme Court decision also extends the obligation incumbent on all judges in Mexico to ensuring that their decisions comply with international human rights treaties. This ruling, based on the recent full incorporation of international human rights treaties into the Mexican Constitution, paves the way for the establishment of a much more effective justice system for protecting the human rights of the whole population.

Amnesty International believes that the decision offers a crucial opportunity for institutions at the three levels of the State to start operating on the basis of their obligation to respect, protect and guarantee human rights. It is extremely urgent that the Attorney-General's Office assumes its responsibility to open and move forward with investigations into reports of

violations committed by the armed forces and that the other institutions respect this transformation as being a fundamental step for consolidating justice and ending impunity.

General information

In 2009 the Inter-American Court issued the first of 4 judgements against Mexico for human rights violations committed by members of the army. The first judgement, relating to the enforced disappearance of Rosendo Radilla in 1974, ordered that the military penal code be amended to remove cases of human rights violations committed against civilians from the jurisdiction of the military courts.

This week's Supreme Court decision grew out of discussions within the court about the scope of that judgment and the obligation incumbent on the Mexican State to comply with it.

In recent years the public security duties of the Mexican armed forces have grown in the context of combating organized crime.

Since December 2006 there has been an alarming surge in reports of serious human rights violations committed by the armed forces and impunity. Over 6,000 complaints have been lodged with the National Human Rights Commission. These cases have been investigated and prosecuted by military courts which continue to lack independence, impartiality and transparency.

The armed forces have repeatedly argued that the majority of such complaints are unfounded and have been presented by members of organized crime in order to discredit the armed forces. However, they have never supplied any evidence to show the complaints were fabricated and Amnesty International has documented a series of serious human rights violations that have not been properly investigated, thus leaving relatives and victims with no access to justice.

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