



México D.F., October 5<sup>th</sup>, 2015

**Mr. Zeid Ra'ad Al Hussein**  
**The United Nations High Commissioner**  
**for Human Rights**

Dear Mr. Zeid Ra'ad Al Hussein:

The signatory organizations have the honour to address you in order to provide you information, as a result of our research, documentation and accompaniment of cases, that show the widespread, and in some cases systematic, violations of human rights committed in Mexico.

As it has been revealed by various Mexican civil society organizations, for the past 9 years the country has experienced an accelerated increase of violence and impunity. The deployment of thousands of militaries to conduct public security tasks in the context of the "drug war" has encouraged the commitment of serious violations of human rights given that the armed forces were not limited only to act as a support to civilian authorities, but also to conduct assignments reserved for police.

The results of this security strategy have been devastating. Since the implementation of this security policy in 2006 up until today, the following statistics have been recorded: **102.696 intentional homicides** reported according to the Special Rapporteur on extrajudicial, summary and arbitrary executions, including at least 70,000 extrajudicial executions in the context of the drug war; **4,055 direct complaints of torture** to the Attorney General's Office (PGR) of which **1,207 are committed by militaries**; **25.821 missing persons** according to the National Registry of Missing Persons; **281.418 internally displaced persons** due to violence; **8,595 arbitrarily detained persons** under pre-charge judicial detention only at the federal level; **27 murders** and **8 cases of**

**enforced disappearance against human rights defenders according to the National Human Rights Commission; more than 80 journalists killed and 17 missing.** Additionally, Mexico is ranked in the 16th place in the incidence of homicides against women globally and according to information from Attorney States' Offices, **6 women are massacred every day in Mexico.**

These figures show that Mexico faces a profound crisis of human rights and that atrocities are being committed in the current administration of President Enrique Peña Nieto. Under Nieto's administration, not only serious human rights violations have been committed, but also potential crimes against humanity, as shown by these recent examples: the extrajudicial execution of 22 persons committed by militaries in Tlataya, State of Mexico, in June 2014; the enforced disappearance of 43 young students in Ayotzinapa, Guerrero, in September 2014; the extrajudicial execution by federal forces of 16 people in Apatzingan, Guerrero, in January 2015; the execution of 42 civilians by the federal police in Tanhuato, Michoacan, in May 2015; the enforced disappearance committed by military forces of 7 people in Calera, Zacatecas, on July 4, 2015, who were later found dead; the arbitrary deprivation of life of Edilberto Reyes Garcia, 12 years old, in the indigenous community of Ostula, Michoacán, the last July 19th; the murder of Ruben Espinosa, Veracruz's journalist; and the femicide of the activists Nadia Vera, Alejandra Negrete, Yesenia Quiroz and Mile Virginia Martin, in Mexico City, on July 31.

Moreover, it is highly worrying that the massacre of 72 migrants in San Fernando, Tamaulipas committed in 2010 has not still been adequately investigated, prosecuted and redressed, despite that a year after this atrocity, 193 bodies were found in 47 clandestine graves in the same municipality. Similarly, investigations have long been shrouded in secrecy in relation to the 49 bodies of migrants found along the side of the road in the town of Cadereyta, Nuevo León.

Consequently, the lack of recognition from the Mexican State of the real situation in the country and the challenges facing the protection of human rights is particularly worrying. This has become evident by the State's refusal to acknowledge observations made by international human rights groups. In February 2015, the Mexican government ignored the concluding observations of the United Nations Committee on Enforced Disappearances arguing that they "did not correspond to reality." In March 2015, the government described the Report of the UN Special Rapporteur on Torture, in reference to the section on Mexico, as "unprofessional and unethical." On both occasions, the administration of President Enrique Peña Nieto could not explain why he deemed questionable the UN human rights bodies remarks. On the contrary, the findings by international experts were minimized, or smear campaigns were undertaken against them, as was the case of Mr. Juan Mendez, head of the special procedure on torture.

Similarly, in light of the recent on-site visit carried out by the Inter-American Commission on Human Rights (IACHR) from September 28 to October 2, 2015, the Mexican government dismissed once again the Preliminary Observations of the Commission regarding the situation of human rights in Mexico, by considering them

unconnected to the real situation of the country. After having interviewed authorities from the three branches and the different levels of government; met with representatives of civil society, autonomous entities, international organizations, academics and journalists; received testimony from victims of human rights violations and their family members and visited Mexico City, Coahuila, Guerrero, Nuevo León, Tabasco, and Veracruz, the IACHR confirmed on the ground the serious human rights crisis Mexico is experiencing, as well as the critical levels of impunity and the inadequate and insufficient attention to victims and their families. Notwithstanding with these findings, the Mexican government deemed the Commission's observations insufficient to recognize the country is facing a critical human rights situation. Furthermore, according to Mexican government representatives, the Commission's considerations only correspond to isolated and "extraordinary" cases.

Despite of the constant disregard that the Mexican government has expressed towards international human rights mechanisms, the government has not yet presented a report, with methodological rigour, about the current human rights situation in the country. On the contrary, the expressions of the Mexican government towards international human rights mechanisms have been fraught with denial and with a simulated and limited "openness to international scrutiny".

If that were not enough, we have recently identified that the Mexican government seeks to silence critical and expert voices in the United Nations, through only nominating candidates that have always served the interests of the State. These individuals are supposed to join the mechanisms of the United Nations human rights system. This was reflected in the newly, and unannounced, replacement of the candidacy of a prestigious and renowned expert on torture to become a member of the Committee against Torture (CAT), by a retired ambassador (Claude Heller) who does not possess any qualifications in the subject.

As you know, Mexican civil organizations place huge value on the presence and utility of the United Nations High Commissioner for Human Rights office in Mexico (OHCHR-Mexico) to assist the country as a whole in the advancement of our human rights agenda. We appreciate that over the years, despite recent criticisms that we have made, the Office has continued to accompany civil society groups in their work. Not only in driving the improvement of legal and public policy in both the Federal and State levels of government, but also in strengthening the State capacities to investigate, prosecute and punish human rights violations.

We also welcome the fact that the Office worked closely with victims of human rights violations, whilst maintaining direct dialogue with officials of different branches of government (executive, legislative and judicial), to technically cooperate by offering advice of the applicable international law when discussing the strengthening of human rights policies.

We know that the OHCHR office is currently undergoing a process of negotiation with the Secretary of Foreign Relations to agree on the renewal of the terms of a technical cooperation agreement. We are sure that you will guarantee that the agreement will strengthen the work of the Office in Mexico in a manner that fully exercises its mandate conferred by the General Assembly on Human Rights.

In such difficult times as those defined by the current situation in Mexico, not only by the increasing number of abuses of human rights, but also by the weakness of the institutions responsible for their promotion and protection, including the entities in charge of the administration and enforcement of justice, such as the Ombudsman System, your visit to this country is particularly relevant.

You are presently at the right juncture to ensure that the strengthened mandate of the OHCHR office can assist the Mexican authorities in the identification of the priorities to prevent, attend, punish and repair the human rights violations of victims. Therefore we respectfully recommend you to:

- I. Submit an annual public report on the situation of human rights in Mexico, to be presented to the different branches of government, as well as to the Human Rights Council of the United Nations. The report, in our opinion, should contain appropriate mechanisms to assess, among others, the progress and setbacks of the measures implemented by the Mexican government regarding the investigation, prosecution, punishment and reparation of human rights violations in the country.
- II. Strengthen the work of the OHCHR office in the field of the protection of human rights in the country, particularly through the strengthening of its observation functions. We are convinced that the nascent progress that can be achieved in the country regarding the investigation of serious violations by the Procurators of the country can be reached with the presence of officials from your Office. This can be achieved due to past experience that allows your office to observe the way in which authorities investigate and process such cases, then the aspects which require improvements can be communicated to state authorities. Equally, we consider it extremely important that you are able to make public statements. For example, while fully respecting the nature of each case, being made known in a timely manner, the technical contributions made by your Office aid the legislative and judicial processes in favor of human rights, and have an active and relevant public presence, in which you can issue invitations and exhortations to respect international obligations when faced with unsatisfactory behaviour by the Mexican State regarding the protection and defense of human rights.
- III. Provide support to the Mexican government for the establishment of an international commission against impunity and corruption, to serve as an independent body, composed of independent experts, whose purpose is to

strengthen the victim's right to contribute to the investigations, at the same time as the competent authorities in investigating and prosecuting persons responsible for serious human rights violations.

Furthermore, in order to provide you with more information in light of your visit to Mexico, please find attached our main findings regarding the commitment of serious human rights violations in the country, such as: extrajudicial executions, torture, arbitrary detentions such as the pre-charge judicial detention, forced internal displacement, violence against women and forced disappearance.

Likewise, and with the hope that your visit to Mexico will be a success, please allow us to provide information regarding the alarming situation faced by human rights defenders, the lack of judicial independence in the nomination process of ministers the Supreme Court of Justice of the Nation (SCJN), the violations of international norms by the reform of the Code of Military Justice, the violation of the right to previous consultation and the criminalization of the defense of indigenous lands against mega investment and infrastructure projects.

We take this opportunity to express our sincere greetings and thank you in advance for the attention you have given to this letter. We would like to express to you our utmost regard and respect.

Yours sincerely,

**Acción Urgente para Defensores de los Derechos Humanos ACUDDEH A. C.**

**Alianza Mexicana contra el Fracking (AMCF)**

**Asistencia Legal por los Derechos Humanos A.C. (ASILEGAL)**

**Asociación de Derechos Humanos del Estado de México (ADHEM)**

**Asociación de Familiares de Detenidos Desaparecidos y Víctimas de Violaciones a los Derechos Humanos en México, AFADEM-FEDEFAM**

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**Cátedra UNESCO de Derechos Humanos de la UNAM**

**Católicas por el Derecho a Decidir A.C.**

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**Freedom House México**  
**Fundación Diego Lucero, FDL**  
**Fundación para la Justicia y el Estado Democrático de Derecho**  
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**SMR, Scalabrinianas: Misión con Migrantes y Refugiados**

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