



# PAPER PROMISES, DAILY IMPUNITY

MEXICO'S TORTURE  
EPIDEMIC CONTINUES

AMNESTY  
INTERNATIONAL



**STOP ~~TORTURE~~ CAMPAIGN**

Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

**AMNESTY  
INTERNATIONAL**



First published in 2015 by  
Amnesty International Ltd  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
United Kingdom

© Amnesty International 2015

Index: AMR 41/2676/2015 English  
Original language: English  
Printed by Amnesty International,  
International Secretariat, United Kingdom

All rights reserved. This publication is copyright, but may be reproduced by any method without fee for advocacy, campaigning and teaching purposes, but not for resale.

The copyright holders request that all such use be registered with them for impact assessment purposes. For copying in any other circumstances, or for reuse in other publications, or for translation or adaptation, prior written permission must be obtained from the publishers, and a fee may be payable. To request permission, or for any other inquiries, please contact [copyright@amnesty.org](mailto:copyright@amnesty.org)

*Cover photo:* Federal police arrest a man in the southern Mexican state of Guerrero, October 2014.

© REUTERS/Jorge Dan Lopez

[amnesty.org](http://amnesty.org)

# CONTENTS

1. CONTEXT.....	4
2. The magnitude of the problem at the federal level: .....	6
Complaints double yet results are invisible .....	6
3. Ignoring the obligation to prevent: .....	8
Faceless victims and unreliable data.....	8
4. A constant failure to investigate:.....	9
Public prosecutors turn a blind eye to torture and ill-treatment.....	9
5. Aspects in torture investigations: underlying reasons for impunity .....	12
Medical detection of torture: Cover-up from the very first stages .....	12
Forensic investigation of torture: Expert examinations continue to foster impunity .....	15
Conclusions and recommendations: .....	18

# 1. CONTEXT

In May 2014 Amnesty International launched a global campaign to call for the eradication of torture and other ill-treatment. Mexico was chosen as one of the five countries of focus in this campaign, and after almost two years, the main concerns remain: Torture and ill-treatment is a persistent human rights violation and is commonly used by state agents carrying out law enforcement and security tasks to extract “confessions”, fabricate charges and inflict suffering on citizens.

One year on from the publication of Amnesty International's report *Out of Control: Torture and other Ill Treatment in Mexico*,<sup>1</sup> torture persists in Mexico and the number of complaints received by federal authorities has increased.<sup>2</sup> Amnesty International has also found that official records on torture and ill-treatment across the country are inaccurate, contradictory and incomplete –which undermines the obligation of the state to properly prevent, investigate and punish torture and ill-treatment.

In the year following the publication of Amnesty International's report, Mexican authorities have announced a number of legislative and policy developments, including new standards from the federal judiciary and two new internal guidelines on torture from the Federal Attorney General's Office. In addition, President Enrique Peña Nieto has promised a General Law on Torture that would apply at federal and state level, which is currently in discussion. While these advances are important, these paper promises have not been accompanied by concrete results that would translate into a change in people's lives, including bringing perpetrators to justice and granting full reparations to victims.

At the time of writing, a draft for the General Law on Torture was being discussed between civil society organizations, the government and Congress. There is a constitutional deadline for Congress to pass this law by January 2016. While Amnesty International has advocated for legislative reforms in Mexico to strengthen the legal framework for its eradication, unless the law addresses the source of impunity for torture in Mexico and ensures it has effective monitoring mechanisms for proper implementation, the thousands of victims of torture and ill-treatment will be no better off.

On paper, Mexico's commitments to prevent and punish torture are extensive. However, this has yet to translate into effective measures to protect people from torture and punish those responsible. The government has not demonstrated that torture and other ill-treatment are

---

<sup>1</sup> Amnesty International, *Out of Control: Torture and other ill-treatment in Mexico*, 4 September 2014: available at: <https://www.amnesty.org/en/documents/AMR41/020/2014/en/>

<sup>2</sup> In the *Out of Control* report of 2014, Amnesty International noted that the number of reported complaints for torture and other ill-treatment received by the National Human Rights Commission in 2013 (1,505) was 600% higher than the number of complaints recorded in 2003. In this current update, this briefing report focuses on the number of complaints received by the Federal Attorney General's Office.

being addressed properly to ensure it will be eradicated. When Amnesty International's global campaign decided to focus on Mexico, it was precisely because Mexico was considered a country with sufficient resources at its disposal to implement achievable goals to effectively tackle torture and ill-treatment. The government has failed so far to recognize the scale of the challenge and truly implement the necessary actions needed to put an end to this critical human rights issue.

## 2. THE MAGNITUDE OF THE PROBLEM AT THE FEDERAL LEVEL:

### COMPLAINTS DOUBLE YET RESULTS ARE INVISIBLE

In recent months, a number of new guidelines have been released for the investigation of torture and other ill-treatment in Mexico:

The Supreme Court issued guidelines in December 2014 for the prompt action by judges when faced with allegations of torture and other ill-treatment in order for them to be referred without delay to public prosecutors for investigation.<sup>3</sup>

The Federal Attorney General (PGR) published a new Standardized National Protocol on Torture Investigation in August 2015 that applies to all prosecutors and officials doctors at a state and federal level.<sup>4</sup>

The PGR reformed its specialized medical/psychological evaluation of possible cases of torture and/or ill-treatment in October 2015 (*Dictamen Médico/Psicológico Especializado para casos de Posible Tortura y/o Maltrato*) (hereafter "PGR Special Procedure").<sup>5</sup>

While these new standards represent formal advances, these have not yet translated into real progress in the investigations of torture and other ill-treatment.

---

<sup>3</sup>National Supreme Court of Justice, *Protocolo de Actuación para quienes Imparten Justicia en asuntos que involucran hechos constitutivos de tortura y malos tratos*, December 2014, available at: [http://www.sitios.scjn.gob.mx/codhap/sites/default/files/archivos/paginas/Protocolo\\_tortura\\_electronico.pdf](http://www.sitios.scjn.gob.mx/codhap/sites/default/files/archivos/paginas/Protocolo_tortura_electronico.pdf)

<sup>4</sup> Procuraduría General de la República, *Protocolo Homologado para la Investigación del Delito de Tortura*, August 2015, available at: <http://www.pgr.gob.mx/Subprocuradurias/sdhpdsa/2/Documents/Protocolo%20Tortura%20agosto%202015.pdf>

<sup>5</sup> Official Gazette of Mexico, (*Diario Oficial de la Federación*) 5 October 2015: Acuerdo A/085/15, available at: [http://dof.gob.mx/nota\\_detalle.php?codigo=5410519&fecha=05/10/2015](http://dof.gob.mx/nota_detalle.php?codigo=5410519&fecha=05/10/2015)

Amnesty International carried out a number of enquiries to verify the state of investigations on torture and other ill-treatment at a federal level. Through a public information request responded to in June 2015, the PGR stated that the number of complaints for torture filed at a federal level more than doubled between 2013 and 2014, from 1,165 to 2,403. This represents a dramatic increase in the cases of torture reported to the PGR since 2006, as shown in the following table:

**Number of complaints that the Federal Attorney General's Office has received for the crime of torture from 1 December 2005 to 30 October 2014**

	2006	2007	2008	2009	2010	2011	2012	2013	2014	
Torture complaints	23	11	15	20	22	109	287	1165	2403	4055
Cases under investigation	0	1	0	2	1	19	40	199	1622	1884

The PGR failed to inform Amnesty International of the number of charges presented at federal level for torture in 2014. Up to 2013, as shown in Amnesty International's previous reports,<sup>6</sup> less than five charges for torture had been presented per year, with some years registering zero charges. In the most recent request for public information filed by Amnesty International, the PGR claimed that it did not have existing information as to the number of charges brought during 2014. When asked to be more precise on this issue, the Deputy Attorney General on Federal Crimes responded to Amnesty International that "we don't have any hard data" on torture charges.<sup>7</sup>

There is evidence suggesting the prevalence of torture and other ill-treatment also at the state level. While this briefing focuses on cases of torture and other ill-treatment reported at the federal level before the PGR, a recent report by a local human rights organization, the Miguel Agustín Pro Juárez Human Rights Centre, estimated according to data gathered from institutions at a state level, at least 10,400 complaints of torture and other ill-treatment in Mexico in 2014.<sup>8</sup>

---

<sup>6</sup> Amnesty International, *Out of Control: Torture and other ill-treatment in Mexico*, op cit, page 46.

<sup>7</sup> Meeting of Amnesty researcher with Deputy Attorney General on Federal Crimes, 25 August 2015.

<sup>8</sup> Centro de Derechos Humanos Miguel Agustín Pro Juárez, *Informe sobre patrones de violaciones a derechos humanos en el marco de las políticas de seguridad pública y del sistema de justicia penal en México*, June 2015, page 32, available at [centroprodh.org.mx](http://centroprodh.org.mx)

## 3. IGNORING THE OBLIGATION TO PREVENT:

### FACELESS VICTIMS AND UNRELIABLE DATA

According to interviews with federal authorities,<sup>9</sup> the PGR began to revise and improve official databases on torture complaints in February 2014, however it continues to have a number of inconsistencies in its information recorded. Amnesty International was informed that the Federal Attorney General appointed in March 2015 gave the order not to share any public data until all information had been fully centralized and reviewed.

While the number of torture complaints doubled in 2014, the PGR was unable to provide information to Amnesty International whether these complaints pertained to incidents of torture and ill-treatment that occurred in 2014 or in previous years. Authorities have claimed that part of this increase may be due to a more active judiciary that has been referring more cases to the PGR in recent years. It is concerning that federal authorities are unable to explain the reasons for the twofold increase in torture complaints; despite the fact that the number of investigations has also risen, this has not resulted in an increased number of charges laid or convictions ruled.

Vital information on the incidence of torture and other ill-treatment is not tracked by federal authorities either, and this seriously undermines the ability of the government to respond adequately. Other than lacking reliable data on torture and ill-treatment, the PGR has been unable to provide Amnesty International with disaggregated information by gender, nationality and age groups pertaining to the 2,403 cases that have been registered, stating that it simply did not keep these registries. The lack of such disaggregated data seriously undermines the obligation to prevent and properly investigate allegations of torture and other ill-treatment, and ultimately precludes the authorities from developing specific policies to address its causes and impact that torture and ill-treatment has on different affected groups.

---

<sup>9</sup> Meeting with Deputy Attorney General on Human Rights, Federal Attorney General's Office, 9 March 2015. Meeting of Amnesty researcher with Deputy Attorney General on Federal Crimes, 25 August 2015.



## 4. A CONSTANT FAILURE TO INVESTIGATE:

### PUBLIC PROSECUTORS TURN A BLIND EYE TO TORTURE AND ILL-TREATMENT

The lack of follow-up and control in relation to torture complaints raises serious questions about the capacity of the authorities to gather sufficient evidence to secure a conviction. Amnesty International met in August 2015 with members of the Deputy Attorney General's Office for Federal Crimes, responsible for concentrating the majority of torture investigations within the PGR. They had just begun the specialization of public prosecutors on torture and ill-treatment, increasing their number from 20 to 30 during 2015.

While the increased number of prosecutors dedicated to investigate cases of torture and ill-treatment is a positive development, given the complexity of the investigations, Amnesty International is concerned this will not be sufficient to address the mounting problems. Assuming the number of complaints reported to the PGR remains stable, each public prosecutor would have up to 80 investigations on torture per year, apart from cases on other crimes that are also followed by this office.

Besides issues of capacity, it is worrying to observe a number of biases that appear to exist among authorities in relation to torture complaints. On repeated occasions, authorities have told Amnesty International they believe that defense lawyers use allegations of torture as a tool in their legal strategy in order to exculpate their client. This contrasts with interviews conducted by Amnesty International with torture victims who have said that among their cell or compound, the majority of inmates have testimonies of torture or ill-treatment that occurred during their arrest. Very few of them however had filed formal complaints on these events for fear that it may jeopardize their criminal proceeding or result in retaliations against them or their relatives. While Amnesty International cannot verify all of these claims, it is concerning that the same accounts are repeated across a number of prisons in Mexico. Even more concerning is the fact that authorities often rely on vague anecdotes such as those opinions described above to question the veracity of the allegations, rather than ensuring proper investigation and empirical information.

Given the failure of the PGR to bring charges against those suspected of having committed acts of torture or other ill-treatment, it is vital that public prosecutors make concrete progress in their investigations. Amnesty International has documented numerous cases where despite torture being reported, the due diligence from authorities to follow up these claims is absent. In many cases, a torture allegation is simply assigned a casefile number, without any clear advances in the investigation. The state agents suspected of torture often remain in their duties despite investigations having been opened, and public prosecutors often fail to analyse the most basic evidence including arrest records, crime scene evidence and key testimonies.

## ENRIQUE GUERRERO AVIÑA: FAILURE OF AUTHORITIES TO INVESTIGATE TORTURE OF UNIVERSITY STUDENT AND ACTIVIST



On 17 May 2013, university student and activist Enrique Guerrero Aviña (pictured) was driving in Mexico City on a Friday night, when plain clothed federal police began to shoot at him and chase his car. They forced Enrique's car to a stop, and without any arrest warrant, loaded him into a van and took him to a warehouse where he was held all night. According to Enrique's account, the police blindfolded him, stripped him from the waist down and threatened to rape him. They then beat him for hours, asphyxiated him with a plastic bag and sexually and psychologically abused him -- touching his genitals, spitting on him and insulting him. They repeatedly interrogated Enrique to get him to incriminate members of social movements throughout the country, including environmental organizations, unions and political movements. Enrique was then taken to the Federal Attorney General's Office on Organized Crime (SEIDO), where a public prosecutor threatened him to get him to confess to involvement in a kidnapping that had occurred in Oaxaca, a state in the south of Mexico, three months earlier. When he refused to confess, Enrique says the public prosecutor pressured him to include "at least something that would suggest criminal activities" in his statement that would help them in the accusation against him. Enrique was later charged with organized crime and kidnapping and transferred to a maximum security prison where he is being held awaiting the outcome of his trial.

**“All I ask for is a minimum level of objectivity in my case. That is all that is needed for the truth to be brought to light.”**

Enrique Guerrero Aviña

Amnesty International visited Enrique Guerrero and Damián Gallardo Martínez, one of his co-accused, and reviewed their casefiles and the accusations against them. Both Damián and Enrique had denounced torture and other ill-treatment before a judge, who in turn had ordered federal public prosecutors to investigate their allegations in January 2014. When Amnesty International requested information about the status of the investigations in September 2015, the public prosecutors were unable to give any specific information.

The regional representatives of the PGR justified the lack of investigation on recent staff turnover, almost two years after the judge ordered the investigations. Amnesty International later visited the prosecutor in charge of investigating the torture allegations, who claimed to be unaware of the advances in the investigation. The courthouse official could not provide any information either. In October 2015, at the time of writing, relatives of Enrique Guerrero were informed of a new torture investigation in the case that had finally been initiated in recent days, seemingly due to the judge's instructions of January 2014. While this is an important development, it is extremely worrying to observe such excessive delays by public prosecutors who are charged with urgently following up torture complaints. It remains to be seen whether this investigation will be carried out with due diligence and bring those responsible to justice.

***"There's not a day when I don't recall how they beat me up, threatened me and forced me to admit to things I didn't do. It's a daily torture. It's like being buried alive."***

Damián Gallardo Martínez, tortured by federal police in May 2013



© Amnistía Internacional México/Sergio Ortiz Borbolla

Despite some positive developments in the judiciary to tackle torture and ill-treatment, including binding jurisprudence and the new guidelines for judges, there are no specific provisions in law to order prompt actions by prosecutors and state doctors on cases of torture and ill-treatment referred by judges.

Given the failings of torture investigations in Mexico, the General Law on torture must include specific provisions that call for prompt follow-up on torture complaints, including time-bound obligations on judges, prosecutors and state doctors.

## **5. ASPECTS IN TORTURE INVESTIGATIONS: UNDERLYING REASONS FOR IMPUNITY**

### **MEDICAL DETECTION OF TORTURE: COVER-UP FROM THE VERY FIRST STAGES**

State doctors -- both medics who check detainees after their arrest and forensic experts who carry out in-depth forensic exams -- are key to detecting instances of torture and other ill-treatment as substantial evidence for its investigation. However, as research by Amnesty International has shown, doctors often fail to properly document signs of torture and ill-treatment, both physical and psychological, after a detainee's arrest. Existing standards in Mexico allow state doctors to classify detainees' injuries in three ways: The detainee has no sign of injuries; the detainee presents injuries that are not grave and will take less than 15 days to heal; or the detainee presents life-threatening injuries that will take more than 15 days to heal. These classifications do not capture the full extent of the damage inflicted on victims, who are frequently subjected to methods that at times may leave no visible wounds, such as asphyxiation, electric shocks and psychological torture. In the case of Enrique Guerrero, the state doctor who observed his injuries after his arrest listed them as not grave.

In order to properly tackle the cover-up of torture and ill-treatment in Mexico, it becomes necessary to define by law that torture is not restricted to acts producing only grave physical injury, in accordance to international law and standards.



© Amnistía Internacional México/Sergio Ortiz Borbolla

**“No one can heal what stays in your mind. Who can heal me? I don’t believe there is any medicine or therapy that can take this away.”**

Torture survivor interviewed by Amnesty International, 2015

In fact, imposing any threshold in relation to gravity for torture is contrary to Mexico’s obligations under the United Nations Convention against Torture and the Inter-American Convention to Prevent and Punish Torture. The Inter-American Convention to Prevent and Punish Torture, which contains the highest standard on the matter, avoids qualifying torture with a certain standard of gravity. The UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment has also urged Mexico to adhere to the standard set by the Inter- American Convention,<sup>10</sup> as indeed the United Nations Convention against Torture calls

---

<sup>10</sup> UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment, Mission Report to Mexico, March 2015: Available at: [http://hchr.org.mx/images/doc\\_pub/G1425291.pdf](http://hchr.org.mx/images/doc_pub/G1425291.pdf)

for any treaty that provides for the greatest protection of the individual to be implemented by states.

Requiring proof of gravity in order to accredit torture and ill-treatment risks leaving thousands of victims without protection. It is vital that any legislation on torture leaves the issue of gravity for judges to decide, to allow for proper investigation of possible cases of torture and other ill-treatment.

## **TAILYN WANG: STATE DOCTORS FAIL TO DENOUNCE TORTURE AT THE TIME OF ARREST**



Tailyn Wang (pictured here with her children) was approximately seven-weeks pregnant when her house was broken into by federal police officers in February 2014 and she was taken to police installations without any arrest warrant. After prolonged beating and sexual abuse at the hands of federal police, Tailyn lost her foetus inside the offices of the PGR in Mexico City. Two state doctors undertook a medical examination while she was under official custody, and despite her injuries, the first doctor did not properly examine her and dismissed her claims that she had been brutally beaten. Neither doctor reported her allegations of torture and ill-treatment. She was given no medicine for her pain and was simply handed a few sheets of paper towel to stuff down her pants before she was whisked away, handcuffed, to board a commercial plane and taken to a federal prison. When the plane landed in Tepic, northwest Mexico, the airline seat was drenched with blood. Tailyn told prison officials she had had a miscarriage, but they only yelled at her. It was only then, in prison and at least four days after the arrest, when Tailyn was told that she was being accused of being part of a gang of kidnapers and charged with organized crime. She bled for five more days in prison without being given any proper medical attention.

## FORENSIC INVESTIGATION OF TORTURE: EXPERT EXAMINATIONS CONTINUE TO FOSTER IMPUNITY

In its September 2014 report, Amnesty International included a special Annex that expressed specific concerns about the deficiencies in how PGR doctors and psychologists were carrying out the PGR Special Procedure, an instrument established in 2003 to act as a guide for all medical and psychological forensic examinations on torture and ill-treatment. This Special Procedure is supposed to follow international standards such as the UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol),<sup>11</sup> yet in practice its application is often severely delayed and displays clear deficiencies.

Despite a double fold increase in torture complaints reported to the PGR in 2014, the number of Special Procedures applied by PGR forensic experts decreased in comparison to previous years. In 2014, the PGR carried out 185 such medical/psychological examinations, in comparison to 206 in 2013.<sup>12</sup> Only 22 of these examinations concluded in results consistent with torture. Meanwhile, the PGR informed Amnesty International in a meeting in August 2015<sup>13</sup> that it has over 1,600 pending requests to carry out the Special Procedure, including some requests containing groups of up to 40 individual allegations of torture. The PGR reported that each year its forensic experts carried out 140,000 different medical checks, with the Special Procedure on torture only representing a small fraction of these. Amnesty International has repeatedly expressed its concern over the quality of the Special Procedure as applied by PGR forensic experts, who routinely fail to carry out examinations in line with international standards and ignore signs of torture and ill-treatment, as well as on occasions exhibiting bias and cover-up of their own colleagues. In fact, Amnesty International has repeatedly called for the institutional separation of forensic experts from the PGR.

Given the clear lack of the PGR's capacity to respond to the demand for forensic examinations in an adequate manner, it is concerning that legal frameworks and PGR guidelines continue to obstruct access by victims to independent medical and psychological experts. In fact, the PGR Special Procedure was recently updated on 5 October 2015. However, the new standard has failed to amend many of the core issues that have been previously highlighted by Amnesty International and other human rights organizations.

While the reforms contain some positive aspects, such as strengthening civil society involvement in monitoring mechanisms and improving the requirement of the informed consent of the victims, issues of particular concern were not addressed. New language

---

<sup>11</sup> Istanbul. Protocol. Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment, 1999, available at: <http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>

<sup>12</sup> This information was provided to Amnesty International in a Freedom of Information request responded to by the PGR in June 2015.

<sup>13</sup> Meeting with Amnesty International researcher and Director of the Coordination of Forensic Services of the PGR, 8 August 2015

introduced in the reformed procedure may result in further obstacles to allowing independent experts to carry out forensic examinations on victims. The new Special Procedure requires all independent experts to accredit themselves in line with criminal law requirements in Mexico. Such vague wording leaves open the door to obstructions on independent access to victims. Amnesty International is concerned that official standards and legal frameworks from the PGR continue to give preferential treatment to official medical-forensic examinations as evidence in trial.

In line with recommendations of the UN Special Rapporteur on Torture, the only criteria that should be applied to judge the evidentiary value of medical and psychological forensic exams is the technical merit that these examinations demonstrate.<sup>14</sup> This technical merit should be judged in line with international standards such as the Istanbul Protocol, rather than the institutional affiliation of whether the forensic expert is independent or from the government. It is imperative that this principle is reflected in law.

Of the 22 cases that Amnesty International documented for its report in 2014, only a handful of cases have been subject to a Special Procedure by the PGR. In many cases, victims had to wait for months or years before an examination was carried out, impeding the investigation to advance until the outcome of a PGR Special Procedure was submitted by official experts to the legal proceedings.

Giving full access and evidentiary weight to independent forensic examinations will help to unlock these obstacles in the investigation of torture. The case of **Ángel Colón**, a former Amnesty International Prisoner of Conscience who was tortured in a Mexican military base in 2009, provides a paradigmatic example. The PGR failed to carry out a Special Procedure in his case despite his persistent allegations for years that he was tortured. In 2014, while he was in prison, independent forensic experts carried out an examination and concluded that Ángel had been tortured. Despite the existence of this expert independent forensic evidence, the PGR has not made any progress on the investigation of torture in Ángel's case and has insisted on carrying out its own official Special Procedure and examine Ángel medically and psychologically, six years after his detention. If independent forensic examinations were given full weight in legal proceedings, these obstacles to the investigation of torture would be eliminated.

In addition to the deficient medical and psychological forensic examinations, Mexican authorities routinely fail to gather further evidence to investigate the claims of torture and ill-treatment. Notwithstanding the importance of such examinations, Amnesty International insists that these must not be considered as the only possible evidence that can prove that torture and other ill-treatment occurred. It is particularly worrying to see how at times the PGR Special Procedure appears to function as an instrument for impunity, as it delays the investigations indefinitely and blocks the possibility of any conviction. "If you don't have a positive PGR Special Procedure in your hands, you can't go ahead and place torture charges," one public prosecutor told Amnesty International. Indeed, the Special Procedure that was reformed in October 2015 uses wording that suggests that torture investigations may not be initiated until receiving results from forensic examinations consistent with torture. Amnesty International has previously highlighted the importance that investigations into

---

<sup>14</sup> United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Interim report, 23 September 2014, A/69/387.



allegations of torture and other ill-treatment are not reduced solely to the evidence produced by forensic examinations.

Investigations into torture and other ill-treatment must rely on a variety of evidence and be prompt and diligent from the very first stages that the allegations are reported. Torture and other ill-treatment must be treated by public prosecutors as a serious crime that needs to be examined with all the evidence at hand, including irregularities in arrest reports, injuries noted down at the time of arrest, testimonies from witnesses, alleged victims and perpetrators, superiors and officers and crime scene inspections. The adequate use of medical and psychological forensic examinations should complement and strengthen investigations that should have already commenced as soon as torture and ill-treatment is reported.

# CONCLUSIONS AND RECOMMENDATIONS:

Paper commitments are not enough to change the tide of impunity for torture in Mexico. Despite new standards and mandatory frameworks, results are yet to be seen.

Notwithstanding this, Amnesty International recognizes the important opportunity that the discussions around the General Law on torture presents to begin addressing structural issues that allow for torture and ill-treatment to remain widespread in Mexico.

If a law is designed and approved in consultation with civil society and victims of torture and subsequently implemented with rigorous monitoring mechanisms, there is some hope that it can help to tackle torture in Mexico. However, without proper design and follow up, the law risks remaining one more good intention on paper without any demonstrable results.

## **In this context, Amnesty International recommends that the Law:**

- Includes provisions that call for prompt follow-up on torture complaints, including specific time-bound obligations for prosecutors to follow up on referrals of torture allegations by judges and for state doctors to immediately report signs of torture by detainees;
- Makes compulsory the proper data management of torture complaints by authorities, including registering disaggregated data by gender, nationality and age;
- Properly defines torture in accordance to the highest international standards, in a way that does not restrict it to standards of gravity;
- Allows for those who allege to have been subjected to torture and other ill-treatment to have access to independent medical and psychological experts without delay;
- Allows for independent forensic examinations to be given equal weight in legal proceedings towards official forensic examinations;
- Ensures investigations into cases of torture and other ill-treatment are comprehensive and do not solely depend on the results of official forensic examinations. Amongst other measures police and prosecutors should interview witnesses, alleged victims and perpetrators, superior officers and carry out crime scene inspections as well as investigations into other related reports of torture and ill-treatment to identify patterns of abusive conduct by implicated officials;
- Ensures that official medical and psychological forensic experts are fully independent from the PGR and separated institutionally;
- Includes a specific oversight body that is comprised of authorities as well as participants and from civil society and academia, in order to supervise the implementation of the law and

ensure its effectiveness.

**In addition, Amnesty International reiterates its previous calls on the Mexican government to take urgent action to eradicate torture and other ill-treatment across the country and to end the culture of impunity. In particular, authorities must:**

- Publicly recognize the magnitude of the problem of torture and ill-treatment in Mexico and send a clear message that these acts will no longer be tolerated;
- Ensure that prompt, impartial, independent and exhaustive investigations are launched into any allegation of torture and ill-treatment in order to bring perpetrators to justice and grant adequate reparations for victims;

Take decisive and effective measures to fully implement the recommendations issued by the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the [preliminary observations] of the Inter-American Commission on Human Rights following their respective visits to Mexico.



# WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE, FREEDOM AND DIGNITY FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

## WHAT CAN YOU DO?

Activists around the world have shown that it is possible to resist the dangerous forces that are undermining human rights. Be part of this movement. Combat those who peddle fear and hate.

- Join Amnesty International and become part of a worldwide movement campaigning for an end to human rights violations. Help us make a difference.
- Make a donation to support Amnesty International's work.

**Together we can make our voices heard.**

I am interested in receiving further information on becoming a member of Amnesty International

Name

Address

Address

Email

I wish to make a donation to Amnesty International (donations will be taken in UK£, US\$ or €)

Amount

Please debit my

Visa

Mastercard

Number

Expiry date

Signature

Please return this form to the Amnesty International office in your country.

For Amnesty International offices worldwide: [www.amnesty.org/en/worldwide-sites](http://www.amnesty.org/en/worldwide-sites)  
If there is not an Amnesty International office in your country, please return this form to:

**Amnesty International**, International Secretariat, Peter Benenson House,  
1 Easton Street, London WC1X 0DW, United Kingdom

# I WANT TO HELP



# PAPER PROMISES, DAILY IMPUNITY

## MEXICO'S TORTURE EPIDEMIC CONTINUES

One year on from the publication of Amnesty International's report *Out of control: Torture and other ill-treatment in Mexico*, torture practices persist in Mexico and the number of complaints received by federal authorities has increased. The government has committed to prevent and punish torture, although its promise has yet to translate into a change in people's lives, including bringing perpetrators to justice and granting full reparation to victims.

A bill for a General Law currently before Congress needs to tackle the impunity around torture. Without proper design, monitoring and implementation, it will only enshrine existing problems. Amnesty International calls on the Mexican government to take urgent action to eradicate torture and ensure that state doctors, forensic experts and public prosecutors stop turning a blind eye to this widespread phenomenon.

October 2015  
Index: AMR 41/2676/2015  
[amnesty.org](http://amnesty.org)

**AMNESTY**  
INTERNATIONAL 