

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/MEX/CO/5-6)*

**MEXICO**

(...)

**C. Principal subjects of concern and recommendations**

(...)

**Fundamental legal safeguards**

9. While taking note of the publication in April 2012 of protocols on the use of force, the preservation of evidence and the appearance before a judge of persons brought into custody, the Committee is concerned by reports that, in practice, the State party does not make sure that all persons who are being held in custody have the benefit of all fundamental legal safeguards from the outset of their detention. The Committee is concerned by reports that detainees are often denied prompt access to a lawyer and an independent medical examination, the right to notify a family member of their arrest and the right to be brought before a judge without delay. The Committee regrets that it has not been furnished with official information regarding any disciplinary action or criminal proceedings relating to cases of unjustified delays in handing persons over to the Prosecution Service following their arrest (art. 2).

**The State party should adopt effective measures without delay to ensure that, from the moment that any person is deprived of his or her liberty, he or she has the benefit, in practice, of all fundamental legal safeguards, including those mentioned in paragraphs 13 and 14 of the Committee's general comment No. 2 on the implementation of article 2 by States parties (2008).**

**Allegations of torture and arbitrary detention**

10. The Committee is concerned by reports of an alarming increase in the use of torture during the interrogation of persons who have been arbitrarily detained by members of the armed forces or State security agencies in the course of joint operations to combat organized crime. It is gravely concerned by consistent reports that, before detainees are handed over to the Prosecution Service, they are tortured and mistreated in order to force them to confess and make self-incriminating statements which are later used to cover up irregularities committed during their detention (arts. 2, 11 and 15).

**The State party should:**

(...)

**(d) Ensure that all suspects in a criminal investigation are registered without delay in the appropriate custody logbook, that the entries in custody logbooks are closely monitored and that consideration is given to the establishment of a central register for all persons held in official custody;**

(...)

**Human rights defenders and journalists**

14. While taking note of the recent promulgation of the Human Rights Defenders and Journalists Protection Act, the Committee remains seriously concerned at the large number of murders, disappearances and acts of intimidation and harassment committed against such persons. It is also concerned by reports of widespread impunity for these crimes and notes that, while most of them are attributed to criminal organizations, in some cases there have been indications that members of security forces may be implicated. In light of this situation, the Committee regrets that the State party has not provided it with specific information on the outcomes of investigations and criminal proceedings that are now under way (arts. 2, 12, 13 and 16).

**The Committee urges the State party to:**

(...)

**(b) Expedite the establishment of the protective mechanism provided for in the Human Rights Defenders and Journalists Protection Act;**

(...)

**Impunity for acts of torture and ill-treatment**

16. The Committee takes note with concern of information provided by the State party which indicates that verdicts have been handed down in only 6 trials for the offence of torture since 2005, in addition to 143 trials for the offence of abuse of authority, 60 for misuse of public office and 305 for unauthorized exercise of public authority. The Committee regrets that the information provided to it does not include disaggregated statistics for the reporting period on the number of complaints filed with the relevant bodies or specific data on the penalties imposed or on the compensation actually granted. The Committee is also concerned by reports that document allegations of complicity between public prosecutors and police investigators. It is also concerned by reports that public prosecutors and, on occasion, judges themselves disregard defendants' claims that they have been tortured or classify the acts in question as constituting less serious offences. Finally, the Committee regrets the lack of specificity of the information provided to it concerning the action taken to give effect to the recommendations made by the National Human Rights Commission (arts. 12 and 13).

**The Committee urges the State party to:**

**(a) Reinforce the monitoring and oversight of the State party's security forces and agencies by, in particular, setting up an effective, independent and accessible system for receiving complaints and for investigating reports of torture or ill-treatment promptly, thoroughly and impartially. Such investigations should be carried out by an independent agency that is not subordinate to the executive branch. Any alleged corruption in this connection should be immediately investigated and, if grounds for it are found to exist, those responsible should be prosecuted;**

(...)

27. The Committee requests the State party to provide, by 24 November 2013 at the latest, information on its follow-up to the recommendations set forth in paragraphs 9, 10 (d) and 16 (a) of this document, namely: (a) to ensure or strengthen fundamental legal safeguards for persons held in custody; (b) to conduct prompt, impartial, effective investigations; and (c) to prosecute persons suspected of committing acts of torture or ill-treatment and punishing those found guilty of doing so. The Committee also requests that it be provided with follow-up information on the steps taken to protect human rights defenders and journalists as specified in paragraph 14 (b) above.

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