



**NATIONS UNIES**  
**HAUT COMMISSARIAT AUX DROITS DE L'HOMME**



**UNITED NATIONS**  
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REFERENCE: [jmn/pdf/follow up/CAT](#)

6 May 2009

Your Excellency,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee Against Torture (CAT), I refer to the examination of the third periodic report of Mexico (CAT/C/55/Add.12), held on 8 and 9 November 2006. The Committee adopted its Conclusions and Recommendations (CAT/C/MEX/CO/4), in which it requested further comments by the Government of Mexico in relation the specific issues of concern listed in paragraphs 14, 16, 19, and 20.

On behalf of the Committee, allow me to thank you for your constructive response of 12 August 2008 (CAT/C/MEX/CO/4/Add.1) providing comments by Your Excellency's Government on those paragraphs. The additional comments provided have assisted the Committee in its ongoing analysis of the specific issues of concern in question. There remain issues where, in the Committee's view, the responses do not fully respond to the Committee's concerns, or in respect of which intervening events have rendered incomplete. Accordingly, on behalf of the Committee as Rapporteur for Follow-up, I would be grateful for the supplementary clarification of Your Excellency's Government on the following outstanding matters, in order to amplify the information available to the Committee in its analysis of the progress made regarding implementation of these aspects of the Convention.

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#### Paragraph 14

Thank you for the information provided regarding the Committee's recommendation in paragraph 14. We are pleased to learn of the General Directorate of Human Rights mentioned in paragraph 28 of your response which emphasizes human rights among Land and Air Forces, as well as the legal measures in place for protecting the rights of those accused under the military justice system. The Committee remains concerned however that cases involving violations of the Convention (and other human rights) committed by military personnel against civilians continue to be heard in military courts rather than civilian ones. Please provide the Committee with information on the measures in place to ensure that the military courts and their judicial staff, who report directly to the Ministry of Defence, exercise the independence necessary for fair trials. The Committee would also be grateful to receive information on the number of civilian complaints of violations of the Convention by military personnel in 2008, as well as information on how many complaints were investigated, prosecuted, and the outcomes of the trials, including information on compensation for victims, if any. Please also update the Committee on whether the Code of Military Justice has been amended to include the crime of torture.

#### Paragraph 16

The Committee is grateful for the extensive information provided regarding the Committee's recommendations in paragraph 16 of the Concluding Observations. We would appreciate clarification or further information on several issues raised under this recommendation. Specifically, please provide the Committee with further information on the medical examination carried out under the Specialized Medical-Psychological Opinion in Cases of Suspected Torture and/or Ill-treatment—are the medical professionals that the Federal Public Prosecutor's office calls on to carry out medical examinations employees of the State, or are they independent experts? Additionally, please clarify whether there is a review process in place to determine whether this required procedure, as stipulated in paragraph 31 of your response, is followed. We would also be grateful for further information on the implementation of the "Systematic operational procedure for applying the initial exam to individuals detained by military personnel" mentioned in paragraph 32 of your response. Specifically, how and by whom can this procedure initiated? The Committee is pleased to note the extensive workshops and training sessions that have been developed to better implement the Istanbul Protocol—we would be grateful for updated information on these measures and their impact.

With regard to the Committee's recommendation in paragraph 16(c) of the Concluding Observations, we would appreciate clarification on the requirements and criteria for deciding whether the outcomes of an application of the Specialized Medical-Psychological Opinion in Cases of Suspected Torture and/or Ill-treatment will be taken into evidence so as to ensure that this evidence can be evaluated by a judge. The Committee would also be grateful for further clarification on whether such evidence is challengeable in court.

The Committee is pleased to learn of the seriousness with which the Government of Mexico addresses the crime of torture, as described in paragraphs 40-42 of your response. We would be grateful for the provision of updated, detailed information on the number of torture complaints that were received in 2008, as well as how many were investigated, brought to trial, resulted in convictions, and details on the compensation for victims provided, if any. Please provide the Committee with updated information on the status of the draft model law punishing torture mentioned in paragraph 3 of your response—has this been adopted? Additionally, we thank you for the detailed information provided regarding the penal reform in Mexico—please clarify for the Committee whether the reform ensures that crimes against humanity, in particular torture, are not subject to limitations.

#### Paragraph 19

With regard to the Committee's recommendation that the Government of Mexico carry out a prompt, effective and impartial investigation into the incidents of 3 and 4 May in San Salvador Atenco, we are grateful for the information provided. Please clarify for the Committee whether the 9 officials of the State Security Agency (ASE), mentioned in paragraph 97(a) of your response, who were either removed or suspended from their positions, were prosecuted for their role as commanders in the San Salvador Atenco incidents? The Committee would also be grateful for provision of detailed information on the number of members of the ASE that were held accountable for their involvement in the crimes committed, including abuse of authority and sexual assault, as mentioned in paragraph 97(b) of your response. Please also provide information on the outcomes of these trials including information on the punishment meted out to those found guilty. We would also appreciate information on the compensation offered to victims of the acts complained of, as well as the accessibility of mechanisms for securing fair and effective compensation for victims.

The Committee commends the Government of Mexico for the efforts made and measures taken to ensure that all women subjected to sexual violence have appropriate services offering physical and psychological rehabilitation and social reintegration. We would appreciate clarification on the figures presented in paragraph 103 of your response—according to the information provided, the State of Mexico provided 40,324 services to victims of intra-family violence and 20,216 services to victims of sexual assault, yet only 679 psychological diagnoses took place and only 1,376 psychological assessments were prepared. Please provide the Committee with information on what the 40,324 services for victims of family violence and 20,216 services for sexual assault victims entailed.

Thank you for the extensive information provided regarding the resolution of jurisdictional disputes between authorities, specifically for offenses involving acts of violence against women. We are pleased to learn of the establishment of the Special Prosecutor for Offences Involving Acts of Violence Against Women. According to your response, the Special Prosecutor has the power to investigate and prosecute the crimes laid down in the Law to Prevent and Punish Trafficking in Persons. Please clarify for the Committee the extent to which this legislation covers acts of violence against women, and whether there are plans to expand the Special Prosecutor's mandate to include those crimes found under the General Law on Access by Women to a Life Free of Violence or other legislation specifically addressing violence against women.

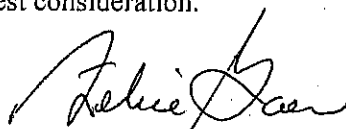
#### Paragraph 20

The Committee notes with satisfaction the efforts made to find and properly punish persons responsible for the cases of violence against women in Ciudad Juarez. We would be grateful for updated information on the number of cases that have been investigated, brought to trial, outcomes of the trials, including information on sentences and compensation offered to victims and/or their next of kin. We would also appreciate further details on the kinds of sentences imposed in the 168 cases that have been resolved, mentioned in paragraph 112(e)(i) of your response. With regard to the Committee's recommendation that the Government of Mexico investigate and properly punish public servants who are reported for using methods of torture in order to obtain evidence in the cases of violence against women in Ciudad Juarez, please provide the Committee with updated information on the number of cases that have been reviewed and the number of public servants that were investigated, tried, found guilty and the punishments meted out. According to information before the Committee, over 170 officials were alleged to have committed disciplinary and/or criminal offences the investigation of the Ciudad Juarez cases, yet according to your response, only 4 case files with possible criminal liability have been prepared, and only 7 more which may trigger administrative proceedings.

With regard to the Committee's recommendation in paragraph 20(c) of the Conclusions and Recommendations, thank you for the information provided on the various measures taken to fulfill this recommendation. Please clarify for the Committee the extent to which the measures outlined in your response in paragraphs 159-164 reflect the recommendations made by the Committee on the Elimination of All forms of Discrimination Against Women. We would also be grateful for provision of information on how the measures described in your response in paragraphs 159-164 have affected the level of violence against women in Ciudad Juarez, as well as any other measures that may have been put in place since your response.

Upon receipt of additional information, the Committee will be able to assess whether further information may be required. The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Mexico on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.



Felice Gaer

Rapporteur for Follow-up on Conclusions and Recommendations  
Committee against Torture