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Ms. Suela Janina
Chairperson
Committee on Enforced Disappearances
Human Rights Council and Treaty Mechanisms Division
Office of the United Nations High Commissioner for Human Rights
OHCHR- UNOG
CH-1211 Geneva 10
Switzerland

29 October 2018

SUBJECT: MEXICO: SUPPLEMENTARY INFORMATION FOR THE COMMITTEE ON ENFORCED DISAPPEARANCES

Dear Ms Janina,

Amnesty International would like to take this opportunity to provide supplementary information about persons subjected to enforced disappearance or disappearance at the hands of non-state actors (articles 2 and 3 of the International Convention for the Protection of All Persons from Enforced Disappearance) in Mexico. This letter should be read in conjunction with Amnesty International's follow-up submission submitted in June 2016.

As noted by the Committee in its 2015 Concluding observations, in Mexico there is "a situation of widespread disappearances in much of the State party's territory, many of which may be classified as enforced disappearances and some of which occurred after the Convention's entry into force". This situation has not been resolved and continues to be a source of concern for Amnesty International.

The fate or whereabouts of at least 37,435 people (27,913 men and 9,522 women) remains unknown, according to the National Register of Missing and Disappeared Persons. The registry maintains most of the shortcomings that we highlighted in our most recent communication to the Committee,¹ including the fact that official figures exclude federal cases from before 2014 and cases classified under certain criminal offences, such as hostage taking or human trafficking. Furthermore, the Registry has not been updated since 30 April 2018, when it was transferred from the Executive Secretariat of the National Public Security System to the National Search Commission.

In October 2017, the Mexican Congress adopted a general law on enforced disappearance and disappearance by non-state actors. Amnesty International believes that the law basically reflects international human rights law and standards, including adequate definitions of the crime; but it has been poorly implemented by the authorities.

Following the adoption of the law, a National Search Commission was established at the federal level in February 2018, but insufficient financial and human resources have been allocated to this mechanism. At the same time, most states have failed to create their own search commissions as mandated by the law; and where these have been created, they have not been endowed with appropriate resources.

¹ Amnesty International. *Mexico: Follow-up report for the Committee on enforced disappearances*. (Index AMR 41/4336/2016), available in English and Spanish at <https://www.amnesty.org/en/documents/amr41/4336/2016/en/>

The National Search Commission has failed to adopt the National Search Program and the National Exhumations and Forensic Identification Program, mandated by law, even though the legal deadline for issuing the basic documents for these programs was August 2018. Amnesty International considers that both instruments are essential for the Commission to carry out its mandate effectively.

The Mexican government has not shown a genuine commitment to guarantee the rights to truth, justice and reparation in cases of enforced disappearance. The authorities have not undertaken a thorough search for those missing and have failed to carry out prompt, impartial and effective investigations to bring those responsible to justice. Moreover, the authorities have not granted comprehensive and appropriate reparations for the victims. Searches for victims of enforced disappearance are flawed and delayed. The relatives of those disappeared often face obstacles to being informed about, and to participate in, the investigation of the cases.²

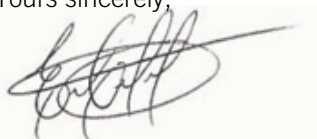
In cases of girls and women, authorities commonly state that the victim might be with “her boyfriend” and limit the lines of inquiry to domestic issues. The perpetuation of gender stereotypes harmful to victims has meant that investigations are unduly delayed and, in some cases, completely abandoned.³

In the case of the enforced disappearance of 43 students from the Ayotzinapa teachers training school on 26 September 2014, the Federal government has shown little interest in following lines of investigation that could reach to the truth of the case and determine the fate or whereabouts of the students. The authorities have failed to implement the recommendations of international experts, such as those appointed by the Inter-American Commission on Human Rights. When a federal court ordered in June 2018 a Minnesota-Protocol-based special commission of inquiry,⁴ the federal government devoted substantial resources to coordinating a litigation campaign comprised of more than 100 legal challenges to the court’s ruling. Some of these legal actions are still pending before the courts.

In late December 2017 and early this year, there were new cases reported in the city of Chilpancingo, Guerrero state, in which at least seven young people were disappeared. In most of these cases, the organization has found information that might link the police to the events. Amnesty International has also documented new cases of disappearances in Nuevo Laredo, in the state of Tamaulipas, in which at least 36 people disappeared between January and May 2018.⁵

Considering the above, Amnesty International considers that despite some positive legal developments, Mexico must do considerably more to tackle the phenomenon of enforced disappearances and disappearances by non-state actors in order to fulfil its obligations under the International Convention for the Protection of All Persons from Enforced Disappearance.

Yours sincerely,



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² Amnesty International. *Treated with indolence: The state’s response to disappearances in Mexico*. (Index: AMR 41/3150/2016)

³ Amnesty International. *Mexico: Submission to the Committee on the Elimination of Discrimination against Women*, (Index: AMR 41/8465/2018)

⁴ Amnesty International. *Mexico: Order to create investigative commission is an important advance in Ayotzinapa case*. (Press release, 5 June 2018).

⁵ Amnesty International. *Mexico: Two young men remain disappeared* (Urgent action, Index: AMR 41/7776/2018) and *Mexico: disappearances insufficiently investigated*. (Urgent action, Index: AMR 41/8639/2018).