

HUMAN RIGHTS WATCH

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September 24, 2012

Members of the Committee against Torture
United Nations Office of the High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10, Switzerland

To the Committee against Torture:

In November 2011, Human Rights Watch issued a report entitled [Neither Rights Nor Security](#), which documents killings, torture, and disappearances committed by security forces in Mexico's counternarcotics efforts. The report was based on over two years of extensive research in five Mexican states, research that includes more than 200 interviews with prosecutors, judges, law enforcement officers, members of the military, public defenders, human rights defenders, victims and their families, and other actors.

Of relevance to the committee, Human Rights Watch obtained credible evidence of torture in more than 170 cases, leading us to conclude that the use of torture by Mexican security forces is widespread and systematic in the states where we collected that evidence. We reached this conclusion based on evidence that torture occurs in all of the states examined, using the same specific methods (electric shocks, sexual assault, waterboarding, and asphyxiation), under similar circumstances (when the victim has been detained allegedly "in flagrante" or without detention orders), in the same types of venues (military bases and police stations), and for the same purpose (to coerce confessions or obtain information).

In spite of the widespread and systematic use of torture in these states, we found that virtually none of the officials responsible for these abuses has been held accountable, in large part due to systemic flaws in investigations. *Neither Rights Nor Security* provides scores of detailed examples of routine and egregious lapses by authorities in their investigations of cases of torture. These shortcomings include, among others, the failure to perform legally required medical examinations of torture victims and the failure to interview victims and alleged perpetrators. The report also provides official data demonstrating that investigations of torture rarely lead to convictions.

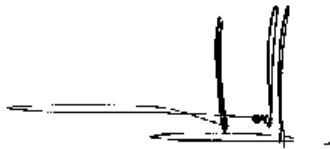


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In preparation for the Committee against Torture's review of Mexico during its 49th session, we would like to formally submit the chapter on the practice of torture from *Neither Rights Nor Security*. We hope the committee will take these findings into account as it examines the serious problem of torture in Mexico.

In particular, Human Rights Watch would like to call the committee's attention to a series of targeted recommendations at the end of the chapter on torture that aim to help prevent torture and ensure that its perpetrators are effectively prosecuted. One recommendation, for instance, is that judges should instruct prosecutors to open criminal investigations and conduct medical examinations in accordance with the Istanbul Protocol whenever defendants allege they were subjected to torture or other forms of ill-treatment. Other recommendations are tailored specifically to prosecutors, judges, medical examiners, the Armed Forces, and legislators in Mexico. We hope the committee will consider these proposals as it formulates its own recommendations to the Mexican government.

Respectfully submitted,



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