



## Press Release

### **Mexico condemned for torture in a historical United Nations decision: A great victory for victims**

**Mexico, D.F. – Geneva, October 9 2015. The United Nations Committee against Torture condemned Mexico for torture committed against four men by members of the Army in Baja California in June 2009. This is the first decision on an individual case against Mexico adopted by this body. Despite dealing only with the tip of the iceberg, the ruling is a landmark decision that points to the set of bad practices that has been the breeding ground for an endemic and widespread use of torture in Mexico for many years.**

The Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), the World Organisation against Torture (OMCT) and the Citizens' Commission of Human Rights Commission of the Northwest (CCDH), on behalf of Messrs. Ramiro Ramírez Martínez, Rodrigo Ramírez Martínez, Orlando Santaolaya Villarreal and Ramiro López Vázquez, submitted a communication against Mexico on March 15, 2012 (Communication No. 500/2012). Both organisations are greatly satisfied with the decision of the Committee against Torture, *"it is a great triumph for the victims who we have been supporting for some time in their struggle for justice."*

*"The decision also constitutes an important victory in the fight against torture and for the recognition of victims in Mexico",* says the Executive Director of the CMDPDH, José Antonio Guevara. *"It is an landmark decision that reflects the existence of legal provisions and patterns that allowed the torture of thousands of people in recent years."*

In its decision, the Committee against Torture concluded that Mexico violated articles 1, 2, in conjunction with article 1, 12, 13, 14, 15 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, one of the most important conventions of the United Nations, of which Mexico is a party since 1986. In particular, the Committee ascertained that the State party was responsible for the acts of torture perpetrated against the four victims; for the failure to undertake effective measures to impede those acts during the detention and "arraigo" in the military facilities; for the lack of an effective, ex officio and impartial investigation into the facts; for not providing reparations to the victims and their relatives; and for ordering the deprivation of liberty pending trial on the basis of confessions obtained through torture.

This is the first time that the Committee against Torture finds a breach of article 22 of the Convention for the failure of the State party to implement satisfactorily the request of interim measures consisting in the provision of specialised medical treatment.

In light of the mentioned breaches of the Convention, the Committee urged Mexico to: *"(a) launch a thorough and effective investigation into the acts of torture; (b) prosecute, sentence and punish appropriately the persons found guilty of the violations; (c) order the*

*immediate release of the complainants; and (d) award full reparation, including a fair and adequate compensation to the complainants and their families, and provide rehabilitation, including any medical and psychological treatment required by the complainants."*

The Committee also reiterated that Mexico has **to repeal the provision of pre-charge detention (arraigo) from its legislation and to amend the Code of Military Justice** to fully comply with the decisions of the Inter-American Court of Justice and ensure that any human rights violation committed by military officers falls under the exclusive competence of civil jurisdiction.

*The constitutionality of arraigo as a precautionary measure represents the renunciation of the Mexican State to address the structural causes of insecurity and crime, and to unconditionally apply the rules of the Social and Democratic State of Law which is based on the historical principles that underpinned the identity of the nation",* said Raúl Ramírez Baena, Executive Director of the Citizens' Commission of Human Rights of the Northwest.

*"This decision clearly recognizes Mexico's responsibility in the torture of the four complainants",* highlighted Gerald Staberock, Secretary General of the OMCT. He concluded: *"The Mexican State has an obligation to effectively comply with the provisions of the Committee against Torture, in particular it should immediately release the victims, conduct an effective investigation, punish the perpetrators and provide adequate reparation".*

Both representatives agree, *"it is essential to guarantee the non-recurrence of similar cases. The victims cannot wait any longer, it is urgent to establish effective safeguards to prevent further suffering."*

It is important to be noted that the relatives of the four detainees denounced the case before the National Human Rights Commission (CNDH) in 2009, which opened the investigation CNDH/2/2010/2830; to date, no recommendation has been issued by the CNDH.

The Mexican State has 90 days from the date of transmittal of the decision to provide information to the Committee about the steps it has taken to implement the following measures of reparation:

- i. order the immediate release of the complainants;
- ii. launch a thorough and effective investigation into the acts of torture;
- iii. prosecute, sentence and punish appropriately the persons found guilty of the violations;
- iv. award full reparation, including a fair and adequate compensation to the complainants and their families, and provide rehabilitation, including any medical and psychological treatment required by the complainants .



v. repeal the provision of pre-charge detention (*arraigo*) from its legislation and amend the Code of Military Justice to fully comply with the decisions of the Inter-American Court of Justice and ensure that any human rights violation falls under the exclusive competence of civil jurisdiction.

The facts in the Communication No. 500/2012:

On June 16 2009, Ramiro Ramírez Martínez, Rodrigo Ramírez Martínez, Orlando Santaolaya Villarreal and Ramiro López Vázquez were detained without an arrest warrant in Playas de Rosarito, Baja California, as the main suspects in a kidnapping. During their arrest, transfer and placement under *arraigo* in military installations of the 28<sup>th</sup> Infantry Battalion, located in the city of Tijuana, they underwent repeated acts of torture and ill treatment. These acts included electric shocks and waterboarding, used in order to force them to confess having committed crimes of kidnapping and illegal possession of weapons. To date, the four victims remain in pre-trial detention in the Federal Social Rehabilitation Center n° 4 "Northwest", in the city of Tepic, in the State of Nayarit, where they are facing serious health problems as a result of the acts of torture and a lack of adequate medical care.

Mexico ratified the Convention against Torture on 23 January 1986 and accepted the competence foreseen in article 22 for the examination of individual complaints on 3 May 2002. In the framework of the individual complaints procedure the Committee against Torture adopted the decision on the Communication No. 500/2012 on 4 August 2015, during the 55<sup>th</sup> period of sessions, in light of the information provided by the authors and the Mexican authorities.

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