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Mexico: Criminal justice system in crisis

(Mexico City) In a new report published today, Amnesty International called on the newly elected Mexican Government and Congress to urgently modernize Mexico's public security and justice system in line with international human rights standards.

Amnesty International's report analyses the deep flaws in the Mexican criminal justice system – including the wide gap between legal principles and effective protection, the irregularities during pre-trial and preventive detention, the fabrication of criminal charges to persecute political activists and human rights defenders and the absence of the “presumption of innocence” clause from the Mexican constitution. The report also examines the impact of these flaws on the most vulnerable members of the community, such as indigenous peoples.

“The flaws in Mexico's judicial system mean that arbitrary detention, torture, unfair trials and impunity are systematic at a state and federal level across the country. If the new administration doesn't take effective action, they will be sending the message that human rights violations are tolerated in Mexico,” said Esteban Beltrán, leader of Amnesty International delegation in Mexico.

Amnesty International research found that scores of individuals across Mexico are often detained on the basis of flawed or non-existent evidence and denied basic rights, resulting in miscarriages of justice and destroying all confidence in the justice system and the rule of law. Even in the few cases where official investigations have been undertaken into abuses, accountability mechanisms are so weak that those responsible are rarely brought to justice, encouraging a culture of impunity.

On 9 August 2006, German Mendoza Nube, a leading teacher and political activist, was detained outside his home in Oaxaca City by armed plain clothed state police. Despite being paraplegic, he was bundled into a vehicle and his wheel chair and medicine were discarded.

Mendoza's detention followed an arrest warrant that was issued on the basis of an investigation that courts had previously halted because of lack of evidence. State police subsequently also claimed that German was arrested in possession of arms -- a claim contradicted by a number of people who witnessed the arrest.

Mendoza was never informed of the reasons for his arrest or allowed to call relatives. Furthermore, the lack of adequate medical attention resulted in hyperglycemia, which led to his temporary hospitalization. After more than two months, Mendoza was subsequently released by the authorities, but the status of the

case against him remains unclear and he fears that he might be arrested at any time if he returns to Oaxaca.

As Amnesty International's report shows, most criminal suspects are denied access to adequate legal advice and representation at the point of detention when they are most at risk of torture and intimidation. Reports of ill-treatment while in custody are routinely dismissed or ignored by the authorities.

In most cases, it is the poorest and most vulnerable members of society who suffer abuses while in custody and they are also provided with the least experienced and competent defence lawyers. According to a census conducted by Mexico's Federal Public Defense Institute, in 2004 there were only 82 lawyers with the required qualifications to represent Mexico's 13 million indigenous people.

On 4 May 2006 Magdalena Garcia Durán, a Mazhaua indigenous woman was arrested with more than 200 other people in Atenco. She later said she was beaten by police and denied access to adequate defence and a translator. Despite having been able to prove to a federal court that she was not present at the time of the offences, Magdalena was charged again by state officials with kidnapping police and attacking a public highway and still remains in prison.

"A strong, impartial, and accountable criminal justice system, which protects human rights of the accused and victims alike, is the cornerstone of a just society and as such major improvements at federal and state level must be a top priority in public security measures being developed by the new Mexican administration," said Esteban Beltrán.

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