

July 11, 2018

Secretary of State Michael Pompeo
The U.S. State Department
2201 C Street NW
Washington D.C. 20520

Dear Secretary of State Pompeo,

On the occasion of your visit to Mexico City to meet with Mexican President Enrique Peña Nieto and President-elect Andres Manuel Lopez Obrador, we write to you as representatives of organizations that closely follow the human rights situation in Mexico to express concern about the ongoing human rights crisis in the country and to urge you to ensure that the defense of human rights is a fundamental part of the United States' bilateral relationship with Mexico. Your visit comes at a crucial moment. The transition period between the current and new government in Mexico is an opportunity to express with all parties U.S. support to address existing challenges in strengthening the rule of law and combating corruption, as well as to encourage progress in advancing investigations and prosecutions into human rights violations.

As the most recent State Department human rights report on Mexico states, impunity for human rights violations remains a problem with extremely low prosecution rates for all crimes. Between 2012 and 2016, fewer than four percent of Mexican investigations of human rights violations and crimes committed by soldiers resulted in convictions in civilian courts. In the case of the extrajudicial killing of 22 civilians by Mexican soldiers in Tlatlaya, the State of Mexico in 2014, all those charged in civilian jurisdiction and the one soldier convicted for disobedience in military jurisdiction have been released, leaving the case in a state of impunity. We urge you to underscore the need to hold Mexican security forces who commit human rights violations accountable for their actions. Initiatives that increase the role of the armed forces in public security, as is the case with the Internal Security Law, and fail to address weak accountability and oversight measures over military actions should be rejected.

Human rights violations are not limited to Mexican security forces, but are also perpetuated by those charged with migration enforcement. Mexico is far from a safe country for migrants. Migrants in transit are frequently victims of crimes such as kidnapping, extortion, robbery and sexual assault at the hands of criminal organizations and at times Mexicans security forces and migration agents who often act in collusion with non-state actors. A report by U.S. and Mexican organizations and migrant shelters found that less than one percent of the crimes against migrants in Mexico reported to federal authorities or authorities in states frequented by migrants resulted in a conviction of those responsible. In addition, migrants crossing into Mexican territory often do not receive access to seek asylum due to insufficient screening by Mexican migration agents and a lack of capacity by its refugee agency. We urge to you ensure that U.S. cooperation with Mexico on immigration enforcement prioritizes respecting the rights of asylum seekers in Mexico.

Torture and enforced disappearances also remain widespread and generalized practices in Mexico. Recent incidents such as the enforced disappearance of 23 individuals from February to May 2018 in the state of Tamaulipas, allegedly by Mexican marines, emphasizes how these crimes continue to be fueled by a crisis of impunity. According to information provided by the Federal Judicial Branch, from 2006 to 2017, only

14 sentences for enforced disappearance were issued. In regards to torture, the federal Specialized Torture Investigation Unit, within the Attorney General's Office, reported in February 2018 that it had opened 8,335 investigations and had presented charges in only 17. Two new laws passed last year create important mechanisms to address torture and enforced disappearances. However, to date their implementation has been slow, with a lack of funding and a failure to consult with civil society organizations and families of the disappeared. The challenge for the Mexican government moving forward lies in closing the gap between these legal frameworks and the lack of access to justice faced by victims.

Almost four years later, no significant progress has been made in the investigation into the September 2014 disappearance of the 43 students from the Ayotzinapa rural teacher's college. On May 31, 2018 a Mexican federal tribunal determined that the Mexican government's investigation into the case has not been prompt, effective, independent, or impartial. As part of its ruling, it ordered an investigation into whether the confessions and testimonies used by the government to substantiate its theory of the case were obtained through torture as well as the creation of an Investigative Commission for Truth and Justice (Iguala Case) to continue the investigation that includes the participation of the students' families, their legal representatives, and Mexico's National Human Rights Commission.

Additionally, a March 2018 report by the UN High Commissioner for Human Rights Office in Mexico reaffirmed the findings of the Interdisciplinary Group of International Experts (GIEI) from the Inter-American Commission on Human Rights (IACHR) on the possible obstruction of justice by Mexican officials involved in the Ayotzinapa investigation, including arbitrarily detaining and torturing suspects and thwarting internal investigations into wrongdoing within the Attorney General's office. Moreover, a June 2018 performance report by the IACHR's Special Follow-up Mechanism to the work of the GIEI outlined the need to address several outstanding areas in the case, including the allegations of torture, the role of the Federal police, army, and state authorities the night the students disappeared, and to continue to investigate the use of buses in cross-border drug trafficking as a possible motive for the attacks. We continue to express concern about the slow pace of the investigation and hope that you will discuss with the Mexican government the steps it is taking to implement the recommendations of the IACHR's Follow-up Mechanism and to establish the Investigative Commission ordered by the federal tribunal.

We remain deeply concerned about the closing of space for human rights defenders and journalists to carry out their work without threats to their life. According to the Committee to Protect Journalists, Mexico was the most dangerous country in the world not experiencing armed conflict for journalists last year. In 2017, thirteen journalists were killed in Mexico while doing their work and nine have been assassinated in the first six months of 2018. Front Line Defenders registered 31 murders of human rights defenders and journalists in Mexico in 2017. We welcome the support that the United States has provided to the Mechanism to Protect Human Rights Defenders and Journalists in Mexico and to the office of the Special Prosecutor for Attention for Crimes Against Freedom of Expression. We encourage discussing with Mexican authorities ways to strengthen these mechanisms and to investigate and sanction crimes against journalists and human rights defenders. On future visits, we would also encourage you to meet with human rights defenders and journalists at risk in order to hear their concerns and to provide greater visibility to them and to the importance of their work.

Strengthening the rule of law in Mexico also implies reforming the institutions that play a key role in combating impunity and corruption. To this end, we urge you to underline that Mexico urgently requires a strong and independent National Prosecutor's Office to carry out impartial investigations into crimes. Efforts to address corruption should also be strengthened. We welcome U.S. support for the

implementation of the National Anti-Corruption System and urge you to encourage the Mexican government to ensure its full implementation by committing sufficient resources and facilitating civil society participation and oversight, including the work of the citizen participation committees established as part of the system.

A strong bilateral relationship must include attention to human rights as well as support for Mexico's efforts to strengthen the rule of law. We urge you to address these key issues in your discussions with the Mexican President and President-elect. We look forward to working with you to enhance accountability and respect for human rights in Mexico.

Sincerely,

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