



February 7, 2008

Lic. Felipe Calderón Hinojosa
President of Mexico
Residencia Oficial de “Los Pinos”
Casa Miguel Alemán
Col. San Miguel Chapultepec
México, DF, CP 11850

Dear President Calderón:

I write in advance of your first official trip to the United States and at a time when two major policy issues of concern to Mexico and the United States are receiving increasing scrutiny: immigration and the pending US \$1.4 billion Regional Security Cooperation Initiative for Central America and Mexico, commonly known as the “Merida Initiative”. Your visit is an historic opportunity for our countries to deepen bilateral relations and work together to promote human rights within domestic and foreign policies as well as regional security strategies.

The Mexican Government has often expressed its grave concern with the abusive treatment of Mexican migrants in the United States, ranging from arbitrary detentions and mass deportations, to the militarization of our shared border. The expression of discriminatory, racist and xenophobic sentiments against Mexican and other migrants by some U.S. politicians and parts of the media have been accompanied by measures that have trampled their fundamental rights.

As you have pointed out, our countries are united by more than geographic location and our internal policies increasingly affect our neighbors and the region at large. Amnesty International USA commends your efforts to highlight the rights of Mexican migrants in the United States and to insert human rights into the immigration debate to ensure a more humane immigration policy.

In the spirit of greater regional cooperation and in order for your efforts on behalf of Mexican migrants to resonate credibly with policy makers and civil society, I urge you to also commit during your visit to ending serious human rights violations in Mexico – be they violations of civil and political rights like the widespread use of torture, or economic, social and cultural rights like the lack of gainful employment for millions of Mexico’s citizens. Amnesty International praises your government for its stand on human rights internationally, but much more must be done to end grave human rights violations in Mexico.

The U.S. Congress is deliberating the “Merida Initiative” for which President Bush has requested a total of US\$950 million for Mexico. The Mexican military, law enforcement agencies and the Attorney General’s Office are proposed to be the primary recipients. Amnesty International has long documented violations of human rights in Mexico, including torture, arbitrary detention, excessive use of force and the denial of due process. The public security and criminal justice institutions have too frequently been characterized as abusive, ineffective, and lacking independence and transparency.

Although the Mexican Constitution establishes that civilian authorities shall deal with crimes or violations involving a civilian, the federal judiciary continues to grant jurisdiction to the military justice system over cases of human rights violations implicating the military. The lack of impartiality and independence of the military justice system has ensured almost total impunity for military officials accused of violations. This

has important ramifications due to the increasing involvement of the military in policing operations to combat drug trafficking. Mexico's National Commission on Human Rights (CNDH) recently reported that human rights violations implicating military personnel while conducting counter drug activities, including rape, torture and the killings of civilians were widely documented in 2007.

With regard to Mexico's police, Amnesty International is deeply concerned with continued reports of the systematic use of torture by the Mexican police as a method of criminal investigation. Reports of torture at the federal level have declined in recent years but it continues to be widespread in Mexico. Torture most commonly occurs when suspects are detained under "in flagrante" provisions which allow for detentions without a judicial arrest warrant or certainty that the person is responsible for the crime. Sixty per cent of arrests in Mexico are carried out using "in flagrante" provisions. Coerced statements made to prosecutors are then often given greater weight than subsequent statements made before a judge.

Amnesty International is also concerned with the record of the Mexican Migration Institute (INAMI) which would play a significant role in monitoring the flow of people into and out of Mexico under the "Merida Initiative". Mexico's southern border is increasingly an area of focus for Amnesty International. More than a million irregular migrants have been detained in Mexico since 2001. The vast majority are Central Americans who frequently fall victim to extortion, threats, ill-treatment and torture by military, police, private security guards and criminal gangs. The CNDH has documented the failure of INAMI to protect the rights of migrants to physical integrity and due process.

We welcome that you have committed your government to reforming the police and justice system. While there are many positive elements of the judicial reforms under discussion in Congress, there is concern that they fail to sufficiently address weak oversight of police, military, and prosecutors which may allow endemic abuses such as torture to persist. Progress will be limited unless procedures are in place for the arrest and detention of criminal suspects, monitoring of their treatment in detention and investigations of alleged abuses by state agents.

Based on information received thus far, US aid to support the reforms so desperately needed within these institutions and to integrate human rights protections into their procedures and practices is minimal. It is imperative that funding be increased for initiatives like training for security force personnel in human rights and the proper use of force and to establish strengthened accountability mechanisms for investigations into human rights violations.

Mr. President, your visit is an opportunity for you to urge the U.S. Government to put human rights at the core of both U.S. immigration policy and the "Merida Initiative". Your forceful advocacy in favor of establishing impartial and transparent ways of monitoring human rights progress and the impact of the "Merida Initiative" on human rights in Mexico would ensure a superior regional security strategy to combat shared drug and security threats without sacrificing fundamental human rights. I again urge you to commit during your visit to the United States to defending, upholding and protecting human rights for Mexicans in Mexico in the same way that you call upon U.S. officials to defend, uphold and protect the rights of Mexican migrants in the United States.

I look forward to your reply,

Sincerely,

Larry Cox
Executive Director
Amnesty International, USA