URGENT ACTION

MEXICAN CONGRESS BOOSTS ARBITRARY DETENTIONS

Despite national and international outcry, Mexican Congress passed a Constitutional amendment that force judges to order pre-trial detention in cases involving a broad series of crimes. Contrary to international law, the reform does not provide that judges can waive it or assess any evidence before determining if such deprivation of liberty is appropriate.

NO FURTHER ACTION IS REQUESTED. MANY THANKS TO ALL WHO SENT APPEALS.

On 19 February, the Mexican Congress passed an amendment to article 19 of the Constitution, still pending approval by state-level congresses, to expand the list of offenses that trigger automatic and mandatory pre-trial detention. The Mexican Constitution includes a broad list of offenses for which judges are obliged to order pretrial detention without having any authority to assess the necessity of such measure.

This type of detention is contrary to fair trial guarantees. Under international law, pretrial detention should not be mandatory based solely on the type of offence involved and it should be used only as an exceptional measure and not a form of punishment. Pre-trial detention is only permissible when there is no other alternative measure that can effectively achieve a legitimate purpose, such as to address a substantial risk of flight, of harm to third parties or undue interference that would hinder criminal proceedings. Please see the Amnesty International report "[False Suspicious: Arbitrary Detentions by Police in Mexico](#)" for more information.

An amendment to the Constitution needs to be approved by 17 state-level congresses. So far, Campeche state and Chiapas state have approved this bill, and there seems to be very little chance of stopping approval through a mass action aimed at local congresses.

NAME AND PRONOUN: Mandatory pre-trial detentions in Mexico (they/them)

THIS IS THE FINAL OUTPUT FOR UA 202/18

LINK TO PREVIOUS UA: https://www.amnesty.org/en/documents/amr41/9574/2018/en/