

Mexico City, May 1, 2016

Dear Mr.

Ban Ki-moon

United Nations Secretary-General

405 East 42nd Street, New York, NY, 10017

United States of America

Based on the Conventions and Rules of the United Nations, the Mexican citizens signatories of this document make the

PETITION

to the United Nations for the installation of an International Commission for Justice and Truth in Mexico (CIJUVEM, by its initials in Spanish).

LEGAL BASIS

1. Whereas the main purpose of the United Nations is to maintain peace through effective collective measures (United Nations Chart, Art. 1, paragraph 1), we request your intervention to achieve peace in Mexico through the peaceful means available to this Organization in accordance with the principles of justice and international law.
2. Noting that, as a member of the United Nations, Mexico is also a member of the International Criminal Court and, as such, is subject to the provisions of the Statute of the International Criminal Court (United Nations Chart, Art. 93, paragraph 1).
3. Noting that since 2005 Mexico has signed the *Rome Statute*, it explicitly and voluntarily accepts the jurisdiction of the *International Criminal Court* (Rome Statute, Art. 12, Paragraph 1).
4. Considering that since 2005 Mexico is part of the *United Nations Convention against Corruption* (UNCAC), it is committed to the prevention, investigation and prosecution of corruption (UNCAC, Art. 3 paragraph 1).
5. Appealing to the following precedents of jurisprudence for United Nations intervention in Mexico for being in similar conditions:
 - a. International Criminal Tribunal for the Former Yugoslavia.
 - b. Guatemala's Commission for Historical Clarification
 - c. International Criminal Tribunal for Rwanda.
 - d. International Commission against Impunity in Guatemala.

BACKGROUND

1. Through various of its agencies, the United Nations has sufficiently investigated the situation of Mexico on justice, human rights and corruption and has repeatedly concluded that there are serious faults in Mexico state law enforcement, that there is a serious government corruption at all levels, structural impunity by the Mexican justice system and a systematic violation of human rights of the civilian population. Several agencies of the United Nations system have documented, verified and issued opinions and recommendations to the Mexican government on the matter.
2. The Mexican government has ignored suggestions, opinions and recommendations of the United Nations on this subject.
3. The Mexican government has systematically discredited the opinions of the United Nations System's specialized agencies in human rights, including making use of disrepute advertising campaigns.
4. In the most recent statement on Mexico, the *United Nations High Commissioner for Human Rights*, Mr. Zeid Ra'ad Al Hussein, acknowledges that "*Mexico has more than 26,000 missing persons*" and that "*the police, the justice system, the governments and the political system in Mexico have failed regarding security and justice*".¹
5. As stated in the Report of the *Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment*, Mr. Juan E. Mendez, from the *Office of the High Commissioner for Human Rights*,² "*torture is widespread in Mexico. It occurs especially from arrest to the provision of justice and for purposes of punishment and investigation*".
6. The Report of the *United Nations Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions*, Mr. Christof Heyns notes "*the lack of willingness or capacity of the police and prosecutors to open investigations, the distrust of citizens in the judiciary; and the lack of accountability for the violations committed*", and places particular emphasis on the need to end impunity.³
7. The Report of the *Inter-American Commission on Human Rights: "Human Rights Situation in Mexico"*, notes with concern that "*Mexico has been experiencing a serious crisis of violence and security for several years*". It adds that "*since the 2006 so-called 'war against drugs' the serious situations of violence have increased to alarming levels, including the consequent loss of over one hundred thousand lives, thousands of disappearances and a context that has led to the displacement of thousands of people in the country "...*" with particular emphasis on enforced disappearances, extrajudicial executions and torture, as well as the situation of insecurity, access to justice and impunity, and the situation of journalists and human rights defenders".⁴
8. The Mexican government has also ignored the mandates of the *United Nations Convention against Corruption*. Despite the overwhelming evidence and proof of illicit enrichment, tax evasion, money laundering and triangulation of capital generated by the so-called *Panama Papers* as well as a long list of serious independent investigations on corruption, the Mexican government has not initiated an investigation on anyone. Likewise, there is overwhelming evidence of corruption of many members of the government cabinet at national and sub-national level as well as legislators, police and military commanders and State and province-level attorneys, with no legal consequences to this day.

¹<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16578&LangID=E>

² <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/252/88/PDF/G1425288.pdf?OpenElement>

³ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/092/08/PDF/G1609208.pdf?OpenElement>

⁴ <http://www.oas.org/en/iachr/reports/pdfs/Mexico2016-en.pdf>

9. Given the refusal of the Mexican government to continue the investigation on the emblematic case of enforced disappearances in Ayotzinapa, the Office of the United Nations High Commissioner for Human Rights, through its spokesman Mr. Rupert Colville, urged the government of Mexico to take action regarding the recommendations of the *Interdisciplinary Group of Independent Experts* (GIEI, by its initials in Spanish) who investigated the disappearance of 43 students in September 2014 in Iguala, and the murder of six young people in the same year.⁵
10. Numerous Mexican, foreign and international Non-Governmental Organizations have condemned the serious situation of corruption and human rights violation in Mexico. *Human Rights Watch* (HRW), in its "*World Report 2015: Mexico*" largely documents the subject of enforced disappearances and government complicity to obstruct law enforcement in Mexico, noting that "*Members of the security forces of Mexico have participated in numerous enforced disappearances since 2006 ... all members of the security forces have continued to perpetrate disappearances ..., sometimes, in direct collaboration with criminal groups ... It is usual that the criminal justice system fails to provide justice to victims of violent crimes and human rights violations. Ineffective law enforcement has contributed to the emergence of armed citizen self-defense groups in many parts of the country... the persecution and attacks against human rights defenders and activists remain, often associated with their opposition to infrastructure or resource extraction 'megaprojects'*".⁶

We appeal to the United Nations because the Mexican justice system and its political class refuse to support their citizens. We turn to the United Nations because we notice that social annoyance is on the edge and there is a growing risk of greater violence. We rely on the support of the United Nations to implement mechanisms that allow returning to peace and achieving a genuine administration of justice in Mexico. Considering the above, we request that the **International Commission for Justice and Truth in Mexico** (CIJUVEM, by its initials in Spanish) has the following

MAIN OBJECTIVES

- First, the CIJUVEM must investigate the existence of criminal groups, clandestine security organizations and security forces who commit crimes that affect Mexican citizens' fundamental human rights, and identify these groups' structures (including their links with state officials), activities, operating modalities and financing sources.
- Second, the CIJUVEM should assist the Mexican government in dismantling these criminal groups, clandestine security organizations and corrupted security forces and promoting the research, criminal prosecution and punishment of crimes committed by its members.
- Third, the CIJUVEM must clarify and collaborate with the Mexican State for the application of justice in crimes against humanity and acts of corruption committed by government officials, politicians, clandestine security organizations and security forces which remain unpunished to this day, as well as those crimes in whose legal processes exists clear evidence of negligence, inconsistencies, omissions and/or lack of due process.
- Fourth, the CIJUVEM will make recommendations to the Mexican government for the adoption of public policies aimed at eradicating criminal groups and clandestine security

⁵ <http://www.un.org/apps/news/story.asp?NewsID=53783#.V4bqjfnhDIU>

⁶ <https://www.hrw.org/world-report/2015/country-chapters/mexico>

organizations and preventing their recurrence, and at cleaning the public security forces, including implementing legal and institutional reforms for this purpose.

To meet these objectives, the CIJUVEM must have the following

FACULTIES

- Providing technical advice to government agencies responsible for criminal investigations, particularly the Public Prosecutor.
- Acting as adhering complainant under the Criminal Code.
- Making administrative complaints against public officials, particularly regarding those who have committed acts in order to impede the implementation of the mandate of the CIJUVEM, and acting as a third party in disciplinary proceedings against these officials.
- Requesting assistance from the *International Criminal Court* to prosecute those suspected of having committed crimes against humanity in cases where the Mexican judicial system refuses to investigate or prosecute by showing a frank position of concealment or obstructing the fulfillment of the mandate the CIJUVEM.
- Ensuring confidentiality to people who cooperate in developing investigations, either as witnesses, experts or collaborators and promoting their protection from the authorities.

Finally, we appeal to the sense of responsibility of the United Nations to make an early intervention in Mexico. We appeal to your willingness to fulfill your mandate under the United Nations Chart to maintain peace. We request your prompt intervention.

Respectfully,

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NOTE: signatures of organizations and individuals who subscribe this petition are attached.

