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## Intervention ASP 20 - CMDPDH

December 2021

Distinguished delegates and members of the International Criminal Court, the Mexican Commission for the Defense and Promotion of Human Rights, along with other civil society organizations, have long submitted communications to the Office of the Prosecutor on the commission of international crimes in Mexico in the context of the so-called “war on drugs”. Since the Armed Forces participate in public security operations, the number of these crimes has significantly increased and includes alarming numbers of murders, torture, sexual violence, arbitrary detention, and enforced disappearances committed both by State and non-State actors, sometimes acting in collusion.

These conducts have been perpetrated in a generalized and systematic manner against civilians, in furtherance of a policy of demonstrating the effectiveness of the “war on drugs”, which enables the commission of these crimes and lacks the intention to hold perpetrators accountable.

The generalized nature of torture and enforced disappearances has been confirmed at an international level: in 2015, the United Nations Special Rapporteur on Torture affirmed that torture and ill-treatment occur in Mexico in a generalized manner and in a context of impunity. Last month, the Committee on Enforced Disappearances visited Mexico and regretted to confirm that, within an alarming context of 95.121 victims nationwide, a generalized situation of disappearances continues in large parts of the country, re-victimization prevails and impunity is almost absolute.

In our most recent communication to the OTP, we, along with the International Federation of Human Rights, provided sufficient elements to prove the existence of crimes against humanity in Mexico between 2006 and 2018, concerning torture perpetrated by elements of the Federal Forces. This submission documents cases referring to 642 persons tortured in Mexico, committed in the context of the progressive militarization of the country, making it possible for military elements to take charge of public security.

Moreover, the CMDPDH has also documented the commission of extrajudicial killings, and other crimes committed in the context of non-international armed conflicts, within Mexican territory in the same period. Thus, we submitted in June a communication to the OTP on the criminal patterns of killings committed by Mexican Federal Forces, which enjoy complete impunity due to the unwillingness and lack of capacity of the State to investigate or prosecute their members.

To date, despite the systematicity of these crimes, we are not aware of any relevant convictions. Given the alarming levels of impunity, we are certain that the Mexican Government has long been unwilling and/or unable to investigate and prosecute perpetrators, especially members of the Armed Forces. Succinctly put, crimes against humanity and war crimes are being and have been

perpetrated in Mexico, and we believe that the involvement of the ICC would be crucial to elicit an appropriate governmental response to generalized impunity.

In this sense, we call on States to ensure that the ICC has the necessary resources to move forward with preliminary examinations. Especially in situations where, as in the case of Mexico, there is a clear lack of will and capacity on the part of the State to investigate and prosecute those most responsible for committing international crimes.

**Comisión Mexicana de Defensa y Promoción de los Derechos Humanos**