



International Convention for the Protection of All Persons from Enforced Disappearance

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Summary record of the 447th meeting*

Held at the Palais Wilson, Geneva, on Wednesday, 13 September 2023, at 3 p.m.

Chair: Mr. de Frouville

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* No summary records were issued for the 445th and 446th meetings.

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Mr. de Frouville took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports of States parties to the Convention (*continued*)

Additional information submitted by Mexico under article 29 (4) of the Convention
(CED/C/MEX/AI/2)

1. *At the invitation of the Chair, the delegation of Mexico joined the meeting.*
2. **The Chair**, welcoming the delegation of Mexico to the meeting, explained that additional members of the delegation would be participating via video link.
3. **Ms. Méndez Escobar** (Mexico) said that the Committee's report on its visit to Mexico in 2021 had helped the State to pinpoint the main issues that it should address in its efforts to put a stop to the disappearances occurring in the country and had provided guidelines for the institutional coordination of its work. In November 2022, the Ministry of the Interior had established a mechanism for follow-up to the Committee's recommendations by federal authorities, prosecutors' offices and state interior ministries. In addition, three states had established their own follow-up mechanisms.
4. The General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System had been amended to include the right of any person to be searched for, and the National Search Commission had been strengthened. The National Centre for the Identification of Human Remains had been established and a national policy on forensic identification adopted. The National Programme to Search for Missing and Disappeared Persons had been launched, guidelines for the Mechanism for Mexican Support Abroad in Search and Investigation Activities had been adopted and the National Register of Missing and Disappeared Persons had been brought up to date.
5. The National Centre for the Identification of Human Remains had begun its work in August 2022. Two regional identification centres had also been established, and four centres had been set up for the temporary storage of bodies. In 2022, construction work had begun on a State identification and temporary storage centre, a specialized centre for the National Search Commission and a genetic identification centre with a forensic cemetery. By the end of the year there would be 19 temporary storage centres across 16 federative entities.
6. Her Government had brought together families, associations and national and international experts to develop an array of standards, guidelines and protocols for searches for disappeared adults and children. The National Programme to Search for Missing and Disappeared Persons, launched in March 2023, was the overarching national policy instrument for the coordination of searches by federal and local authorities and their efforts to ensure dignified treatment and access to justice and truth for families, associations and Mexican society in general.
7. The National Programme for the Harmonization and Application of the Alba Protocol, which was being implemented by the National Search Commission and the National Commission for the Prevention and Elimination of Violence against Women, was aimed at establishing an immediate response capacity and ensuring close coordination in the investigation of the disappearance of women and girls.
8. Searches for missing migrants were conducted in accordance with the guidelines of the Mechanism for Mexican Support Abroad in Search and Investigation Activities, which provided for inter-agency coordination in the event that searches called for action to be taken outside Mexican territory. Such cooperation had led to the successful identification of migrants who had been reported missing but who had died while attempting border crossings. In humanitarian cases involving foreigners who had disappeared in Mexico, visa fees for their family members had been waived.
9. The entries in the National Register of Missing and Disappeared Persons were being reviewed and verified in order to ensure that the register served as a reliable, up-to-date and effective instrument for organizing and cross-referencing information for use in searches for missing and disappeared persons. The updating effort was being coordinated by the Office

of the Under-Secretary for Human Rights, Population and Migration, the National Search Commission and the Ministry of Social Welfare.

10. As part of the institutional strengthening process, the budget of the National Search Commission had been increased by 134 per cent since 2018, and 200 additional posts had been created since 2019. Federal subsidies were now in place for the creation or consolidation of local search commissions in all 32 federative entities.

11. The Prosecutor General's Office, through the Office of the Special Prosecutor for the Investigation of Offences of Enforced Disappearance, was responsible for searches at the federal level. It worked in coordination with the National Guard and state and municipal police forces, the naval and defence ministries, the National Search Commission, local search commissions, local prosecutors' offices, forensic genetics services and civil society.

12. Over 4,200 investigations into cases of disappearance, including 43 relating to the Ayotzinapa case, were currently under way in the various departments of the Prosecutor General's Office, which had located 59 victims alive and 200 who were deceased; 30 cases were being heard by the courts, 9 pretrial investigations were being conducted, 2 persons had been convicted of the crime of enforced disappearance and 3 for disappearance perpetrated by private individuals and the stockpiling of high-powered firearms, incurring sentences ranging from 13 to 31 years' imprisonment. Of the 192 arrest warrants issued at the Office's request, 92 had been executed: 87 for enforced disappearance and 5 for disappearance perpetrated by private individuals.

13. The Special Prosecutor's Office dealt with an average of 400 persons a month, approximately 200 under the new adversarial criminal justice system and 200 under the traditional justice system. It currently had 1,834 open cases involving 2,968 victims.

14. The State was working to professionalize its search operations. To that end, in 2018 the Prosecutor General's Office had launched formal training and certification courses for public officials involved in investigating crimes of enforced disappearance. The National Search Commission also offered a training programme for family members and their representatives, prosecution officials, members of local search commissions, the police and the general public.

15. **Mr. Ravenna** (Country Rapporteur) recalling that one of the Committee's main concerns following its visit to Mexico had been to understand how the State party coordinated the various agencies involved in investigating disappearances, said that, judging from the State party's replies to the Committee's queries, it appeared that agencies were still working in silos, each providing a separate response with reference only to its own area of competence, with no overarching perspective. He would therefore welcome further information on the way in which the work of the different jurisdictions was coordinated.

16. He would also like to hear about any advances that had been made in terms of policies on the prevention of enforced disappearance since May 2022. He would be particularly interested to know whether the number of investigations had increased and to learn of any progress made by the Commission for Access to the Truth, Historical Clarification and the Promotion of Justice for Serious Human Rights Violations Committed between 1965 and 1990 and by the Truth and Justice Commission in the Ayotzinapa case.

17. It appeared that the number of enforced disappearances in the State party continued to rise. In that regard, the recent incident in the State of Jalisco, in which explosives had been used in an attack that had killed members of the security forces and civilians, acquired particular significance as it had taken place in the context of an attempt to identify a possible burial site of disappeared persons. He was keen to learn whether the State party's investigation into the incident had uncovered any solid leads.

18. The forensics crisis was another source of deep concern for the Committee. Notwithstanding the advances being made in the forensic sciences and the State party's efforts, which had included the conclusion of a cooperation agreement with the Argentine Forensic Anthropology Team, no progress seemed to have been made in identifying the 52,000 bodies that were still unidentified in Mexico. It was unclear why. He wondered whether it was possible to speed up the process of taking blood samples from family members.

19. He would like to know what steps had been taken to ensure that the potential responsibility of public officials and links between certain officials and organized crime were duly investigated, since that was an important criterion for distinguishing between disappearance and enforced disappearance. Further information on that subject would therefore be appreciated.

20. Recalling that the Committee had previously expressed concern at the growing militarization of law enforcement authorities and had recommended the withdrawal of the military from such tasks, he was concerned to note that the State party had decided to extend the deployment of the military to public security tasks until 2028. He would be interested to know how the Government saw the roles of the various law enforcement bodies and the armed forces in combating organized crime and in the search for victims of enforced disappearance.

21. **Mr. Albán-Alencastro** (Country Rapporteur), referring to the State party's observations on the Committee's report on its visit to Mexico ([CED/C/MEX/OVR/1](#), para. 3), said that he would like to know what specific steps had been taken to expand and enhance the information ecosystem and what results those measures had yielded. Which authorities contributed information relevant to searches and investigations in cases of disappearance and in what way did they collaborate with other agencies?

22. The information available to the Committee indicated that the impunity index for the crime of enforced disappearance at the state level had reached 98.9 per cent in 2021. As of 22 September 2023, the National Register of Missing and Disappeared Persons listed nearly 300,000 persons, of whom over 111,500 had still not been found, while some 13,400 had been found dead. In the light of those figures, he would like to know how many cases of disappearance were currently under investigation by prosecution services at the state level and how many of those cases were being investigated specifically as cases of enforced disappearance.

23. In the light of the Committee's recently issued statement on non-State actors in the context of the Convention ([CED/C/10](#)), in which five possible forms of State acquiescence were identified, he wished to know what measures the State party had taken to investigate instances in which the conduct described in article 2 of the Convention had been committed by persons or groups of persons acting with the authorization, support or acquiescence of the State. He wondered whether the State party had carried out investigations into chains of command in public bodies that could be involved in cases of enforced disappearance and how many persons in positions of authority in security agencies had been personally investigated or charged in the context of such investigations. More generally, he would also be interested to learn how many persons were currently the subject of investigations being conducted by federal and state prosecutors' offices for the offence of enforced disappearance, how many for the offence of disappearance by private individuals and how many of them had been officially charged under either the adversarial or the former mixed judicial system. Moreover, it would be useful to learn how many federal and state investigations into cases of enforced disappearance or disappearance by private individuals had been temporarily suspended, had not led to the opening of criminal proceedings or had resulted in the reclassification of the offence.

24. The Committee had received reports that the capacity of prosecutors' offices to carry out investigations was quite limited and that those offices failed to prioritize cases of enforced disappearance over other cases, lacked effective prosecution policies and had insufficient financial resources. Reports received by the Committee also indicated that investigations into cases of enforced disappearance were often initiated by the families of victims, who nonetheless had no access to case files, and that investigations by the authorities were not launched immediately after complaints of disappearance were filed. In the light of those claims, he would be grateful if the delegation could provide information on the measures taken by the State party since August 2021 to ensure that the investigation of cases of enforced disappearance and disappearance by private individuals and the prosecution of the perpetrators of those offences were prioritized in federal and state policies on crime and prosecution strategies. He would also be interested to learn about the measures taken by the State party to build the capacity of federal and state prosecutors' offices to open investigations into cases of enforced disappearance and disappearance by private individuals

immediately upon receipt of the relevant *notitia criminis*, to carry out field work themselves and to gather evidence. Updated information on the number of special prosecutors' offices for the investigation of cases of enforced disappearance that were currently operational would also be welcome, as would information on the number of federative entities in which prosecutors were conducting context analyses of cases of enforced disappearance and disappearance by private individuals.

The meeting was suspended at 3.50 p.m. and resumed at 4 p.m.

25. **Mr. de León Huerta** (Mexico) said that the National Public Security Programme had four priority objectives: first, to promote peacebuilding across the country; secondly, to strengthen the operational capacity of federal, state and municipal public security institutions nationwide; thirdly, to combat organized crime in the most hard-hit areas; and, fourthly, to increase the efficiency of the prison system and improve detention conditions. The first three goals were tightly bound up with efforts to prevent and address enforced disappearance. The General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System provided that the Ministry of the Interior, the Prosecutor General's Office, state prosecutors' offices and public security institutions were to work together in the organization of preventive measures. Recently, they had done so by mounting information campaigns to encourage people to report cases of enforced disappearance; providing guidance in cooperation with search commissions; and assisting victims throughout the country. They also collaborated on the development of training activities for their staff and for the families of victims. Participants in those training activities often shared what they had learned with others, which sometimes resulted in the opening of further investigations. Moreover, in every state, security working groups had been set up to develop prevention strategies and promote coordination among public security institutions.

26. **A representative of Mexico** said that there was close coordination in the search for victims of enforced disappearance among search commissions, state prosecutors' offices, the Prosecutor General's Office, police forces at the three levels of government, migration authorities, diplomatic services, forensic expert services, social workers and groups representing victims and their families. The General Act on Enforced Disappearance established a standardized protocol for the investigation of cases of enforced disappearance under which tasks were distributed to each public institution in accordance with that institution's powers and area of expertise. From 8 February 2019 to 6 September 2023, the National Search Commission, in coordination with various public agencies and groups of families of disappeared persons, had organized 4,465 field search days in 30 federative entities and 617 municipalities. Coordinated investigations of that type had covered almost the entire territory of the states concerned. Prosecutors' offices had been actively involved in 45 per cent of the aforementioned search efforts.

27. Between September 2020 and June 2023, the Commission for Access to the Truth had carried out inspections of numerous military facilities in cooperation with victims and the families of victims to identify areas in which serious human rights violations could have occurred. The Commission had also consulted civil, military, police, national defence, migration, public university and civil society archives. Public discussions organized in Guerrero, Mexico City and Chihuahua had presented an opportunity for the Commission to gather the statements of victims, family members of victims, survivors and experts. Public consultations on a draft general act on historical memory had also begun with a view to fully realizing the right of access to the truth and ensuring that victims of historical human rights violations, the families of victims and survivors had access to files documenting grave human rights violations drawn from the archives of the former Federal Directorate of Security, which were currently held by the National Archives Office. Some files had already been made available to direct and indirect victims of historical human rights violations, as well as to the diplomatic services of concerned countries.

28. With regard to the Ayotzinapa case, the remains of three of the disappeared students, namely Jhosivani Guerrero de la Cruz, Christian Alfonso Rodríguez Telumbre and Alexander Mora Venancio, had been discovered and identified. In terms of criminal proceedings, 112 persons, including 18 members of the criminal gang Guerreros Unidos, were currently deprived of their liberty in connection with the case in various prisons throughout the country.

Seventy-seven of the persons initially detained in connection with the case had been exonerated and freed by the courts, which had determined that they had been subjected to torture. As a result of the coordinated efforts of the Ministry of the Interior, the General Prosecutor's Office and the Ayotzinapa Truth And Justice Commission, 14 officials of the Ministry of Defence, 6 senior military officials and 1 navy official had also been arrested and were being held. Recommendations issued by the Interdisciplinary Group of Independent Experts were currently being studied, and a new report on the status of the case was due to be issued in the following weeks.

29. **A representative of Mexico** said that, on 22 December 2022, at the Forty-Seventh National Conference of State Attorneys General, the members of the Conference had signed the final version of an agreement on cooperation with the National Forensic Databank, the National Register of Unidentified and Unclaimed Deceased Persons, the National Register of Mass and Clandestine Graves and the National Genetic Database. Guidelines and technical documentation on the implementation and operation of the National Forensic Databank within the context of the information ecosystem had been published in the spring of 2023, and the Databank and the National Register of Unidentified and Unclaimed Deceased Persons had formally begun operations in May 2023. To promote enhanced cooperation with the members of local search groups, on 17 and 18 August 2023, a training workshop had been organized with a view to drafting a plan for the comprehensive integration of the National Forensic Databank into the information ecosystem in 21 federative entities.

30. **A representative of Mexico** said that the Office of the Special Prosecutor for the Investigation of Offences of Enforced Disappearance had taken various steps to increase the effectiveness of investigations. Those measures had had an impact, as evidenced by the fact that the number of criminal cases relating to enforced disappearance in the adversarial and traditional criminal legal systems had increased from 10 cases and a single case, respectively, between 2018 and 2021, to 20 cases in the adversarial system and 8 cases in the traditional system in 2022/23. Moreover, the Context Analysis Unit had been working with federal prosecutors in order to identify patterns in the commission of acts of enforced disappearance. A bird's-eye approach had been adopted in order to gather information on possible chains of command and the possible acquiescence of public authorities in cases of enforced disappearance.

31. **A representative of Mexico** said that every institution involved in search efforts in Mexico had a protection plan in place to ensure the safety of all persons who participated in searches. Those plans were implemented in close cooperation with local, state and federal law enforcement authorities and even, where necessary, the armed forces. In addition, there was a protection mechanism for human rights defenders and journalists. Persons who participated in searches and leaders of collectives had been recognized by the Government as human rights defenders and were therefore protected by that mechanism, whose scope had recently been expanded to cover an even larger geographical area. The mechanism's budget had recently been increased and was set to rise to 599 million pesos in 2024. As of November 2022, by presidential decree, the mechanism's staffing table had been increased in size by 70 per cent. Those changes had allowed the mechanism to redouble its protection activities. In addition, training on the prevention of attacks on human rights defenders had been organized for public officials in 17 federative entities. With the support of the European Union and the Office of the United Nations High Commissioner for Human Rights, the Government had launched a nationwide virtual awareness-raising campaign on the importance of the work of human rights defenders and journalists.

32. **Mr. de León Huerta** (Mexico) said that all the federative entities had prosecutors' offices or units that specialized in cases of enforced disappearance.

33. **A representative of Mexico** said that, following the recent reform of the Constitution, precedents adopted by a qualified majority in a plenary session or in chambers of the Supreme Court were binding. The Supreme Court had thus been consolidating a number of aspects of its doctrine that were relevant to the matters being reviewed by the Committee. One major change was a shift towards a greater degree of openness to international systems for the protection of human rights. Another was the Supreme Court judgment establishing the binding nature of urgent action requests issued by the Committee. In accordance with two other decisions issued in connection with *amparo* petitions, legally relevant instruments such

as the Model Protocol for a Legal Investigation of Extra-legal, Arbitrary and Summary Executions and the Committee's guiding principles for the search for disappeared persons had been adopted.

34. With regard to the concerns expressed by Mr. Ravenna about the militarization of security operations, he was pleased to inform the Committee that the Supreme Court had recently ruled that the transfer of control over the National Guard to the Ministry of Defence was unconstitutional and had therefore declared it to be null and void. It had also stipulated that military personnel could not participate in enforcement operations concerning civilians. Along similar lines, the Supreme Court had established that members of the armed forces must record all detentions in the national arrest log and must obtain search warrants from judicial authorities and, here again, emphasized that such actions must be confined to members of the military. In accordance with two further judgments, the conditions that must be met for a search operation to be launched had been made less stringent, and it had been established that cases of enforced disappearance could be heard by regular courts.

35. The right of victims to access case files had been strengthened, including in cases where the access granted to them by the National Institute for Transparency, Access to Information and Personal Data Protection had been challenged. A decision issued in connection with another *amparo* petition had established that a broad range of reparations must be made available to victims. That decision had been taken up by the collegiate courts and ensured that, in cases of enforced disappearance, the proceedings must continue until reparations had been granted, including in cases where the disappeared person had been located.

36. **Mr. Ravenna**, noting that a survey on the issue of enforced disappearance was to be carried out, said that he wished to know what the main purpose of the survey was. Was the State party developing a comprehensive policy on the prevention of enforced disappearance? If so, which agency was tasked with developing it and what indicators would it be based on? Information on the timeline for its completion would also be appreciated.

37. **Mr. Albán-Alencastro**, welcoming the various decisions taken by the Supreme Court in connection with enforced disappearance, said that he wished to know whether any steps had been taken to measure the impact of those decisions on the lower courts and other State agencies and whether the Supreme Court had the capacity to monitor the implementation of its decisions.

38. The Committee would be interested to learn whether the security working groups discussed the importance of moving investigations forward as a deterrent to potential perpetrators of enforced disappearance. He wondered whether public prosecutors' offices had assisted with only 45 per cent of the day-long field searches that had been carried out because only 45 per cent of the searches had required their assistance or because it been possible to arrange such assistance only for 45 per cent of the searches. He was asking that question because, as noted in the Committee's report on its visit to Mexico, it was important to grant search commissions the powers of first responders precisely so that they would not have to wait for the public prosecutor's office in order to act.

39. He would be interested to learn whether the Prosecutor General's Office worked with the Commission for Access to the Truth and assisted it in gathering information – information which, after all, would also be useful in criminal investigations and in the prosecution of perpetrators.

40. He wished to know whether the concept of an information ecosystem mentioned in the additional information provided by the State party was synonymous with the National Forensic Databank or whether it comprised a broader range of tools. If it was indeed the same thing, then he would like to know if the databank was fully operational across the country and when the authorities of all the federative entities would be trained in its use.

41. The Committee would welcome clarification concerning the number of new cases of enforced disappearance that had been opened by the Office of the Special Prosecutor since the Committee's visit to the State party in 2021. During that period had the Office opened 18 more cases, for a total of 28 cases, or had it opened 28 new cases? It was also not clear to him why so few cases of enforced disappearance had apparently been initiated by the Office

of the Special Prosecutor when over 110,000 cases had been entered in the National Register of Unidentified and Unclaimed Deceased Persons. The Committee would like to know how it could support the State party's efforts to make headway in that respect.

42. In the light of the events that had taken place in Jalisco that had been mentioned earlier, the Committee would also like to know whether the National Search Commission afforded protection to public officials involved in investigations or searches as well as to journalists and human rights defenders.

43. **Ms. Villa Quintana** said that she wished to know whether the State party had established any programmes to provide ongoing protection for public officials, including prosecutors, judges and members of the National Search Commission, on a regular basis. She wondered what tools were used to assess the level of risk faced by public officials, how many officials were involved in investigating cases in which disappeared persons were presumed to have lost their lives and what forms of protection those officials received.

44. **A representative of Mexico** said that the National Register of Unidentified and Unclaimed Deceased Persons was designed to be an agile tool for helping to search for disappeared persons. By law, the register had to be interoperable with other databases in order to allow information to be cross-checked. In recent months, efforts had been made to enhance the interoperability of the register so that the information stored in it could be checked against information held in the databases of national social programmes and the National Population Registry. The register had been used as a basis for the development of a programme specifically aimed at searching for living persons in different parts of the country. Efforts to compile information from other key databases and improve the quality of the information in the register were ongoing. The register was currently being reconfigured to make it more accessible to families, victims and the authorities responsible for searching for people throughout the country.

45. With respect to the request for clarification regarding the percentage of search days coordinated with public prosecutors' offices, he should explain that the 45 per cent figure cited earlier referred to coordination with state prosecutors' offices. The percentage of search days coordinated with the Prosecutor General's Office was also around 45 per cent. In addition, some of the stages involved in search operations could be performed independently by search commissions, without the involvement of prosecutors' offices. Nonetheless, the search process as a whole was closely coordinated with prosecutors' offices, including the Prosecutor General's Office, on an ongoing basis.

46. The National Protection Mechanism for Human Rights Defenders and Journalists did not afford protection to public officials. However, that did not mean that the Mexican State neglected its duty to protect such officials in the exercise of their duties. The task of protecting them fell to the institutions for which they worked. According to statements made by senior government officials of the State of Jalisco, the attack on public officials to which Mr. Ravenna had referred had been a direct, premeditated attack rather than a spontaneous act prompted by the fact that the officials were involved in a search operation.

47. **A representative of Mexico** said that the information ecosystem was a conceptual model that provided the structure for the National Forensic Databank. It was essentially a mechanism for facilitating interconnections between different data systems. As such, it was designed to evolve over time. Although training in the use of the Databank had as yet been provided to officials in only 21 of the federative entities, as part of the process of shaping that ecosystem, experts and representatives of the Prosecutor General's Office had visited each of the 32 federative entities to discuss the future implementation of the Databank. During those visits, steps had been taken to assess the databases of the prosecutors' offices and their interconnection mechanisms. The National Forensic Databank had been in operation since May 2022.

48. **A representative of Mexico** said that the data that had been provided to the Committee on prosecutions and indictments related exclusively to cases brought before the Office of the Special Prosecutor for the Investigation of Offences of Enforced Disappearance and did not include those dealt with by the Prosecutor General's Office or state prosecutors' offices. Between 2018 and 2021, the Office of the Special Prosecutor had opened a total of 11 criminal cases. Of those, 10 were at the investigation stage and, in the other, the

preliminary inquiry had been completed. Between 2022 and 2023, a further 20 investigations had been initiated into the offence of enforced disappearance and a further 5 criminal cases had been opened for the offences of kidnapping, femicide, organized criminal activity and disappearance resulting from concealment. In the traditional justice system, only one preliminary investigation into enforced disappearance had been filed between 2018 and 2021. However, eight preliminary investigations had been filed in 2022 and 2023.

The meeting rose at 5 p.m.