CONCEPT NOTE

The Challenge:

With few laws regulating the **prison system**, a Mexican prison can be a horrifying place for its population. According to a recent study, over half of Mexico's **prisons** are **overcrowded**, standing at 124 percent capacity at a national level with more than 220,000 prisoners in spaces designed for 195,000.[1] The problem lies mostly in the abusive use of **pretrial detention**[2] and the lack of alternative sentencing in this country. Statistics for 2020 show that 43% of prisoners had not yet been convicted.



Recently, Juan Mendez, Special Rapporteur on torture appointed by the UN Human Rights Council, emphasized the generalized use of torture on suspects by the Mexican authorities at a local, state and federal level.[3] For instance, between 2010 and 2013, the National Commission of Human Rights received more than 7000 complains for **torture** and **cruel treatments**. However, it is rational to estimate that this number lies far below the actual number of acts of torture committed against prisoners.[4] The suffering caused by the living in those inhumane conditions is exacerbated for the hundreds of people who have been **falsely accused** in a country such as Mexico. Detentions regularly occur through human rights violations perpetrated by the Mexican security forces, including killings, disappearances, and –as mentioned earlier – torture, none of these abuses being adequately investigated. How can we be sure that innocent people are regularly imprisoned in México? Because despite the prisons being overpopula-

[1] Source: http://www.proceso.com.mx/355719/2013/10/18/carceles-mexicanas-ni-reinsertan-ni-rehabilitan-solo-arruinan-vidas?gt.
[2] Source: https://www.es.amnesty.org/paises/mexico/la-tortura-en-cifras.
[3] Source: http://www.unmultimedia.org/radio/english/2015/03/old-habits-die-hard-for-mexico-says-un-torture-investigator/#.VdTRfUuFNMt.
[4] Source: https://www.es.amnesty.org/paises/mexico/la-tortura-en-cifras.

ted, it is a fact that more than 98 % of the crimes committed in Mexico actually remain unpunished.[5] Which leads us to this question: Who are these imprisoned people in a country where the **impunity** rate is alarmingly elevated? We call them "**falsely accused** persons": many among whom will spend years in prison and will be release only at the cost of an intense defense work… and heavy international pressure. These people are caught in a system with no one to advocate on their behalf. This includes Mexican nationals, migrants from neighboring Latin American nations, as well as tourists. Similar statistics can be shown in neighboring countries, such as Colombia, Venezuela, Chili, Argentina.

The Goals:

At EN VERO,[6] we believe that every Citizen deserves a fair trial and right to freedom. Randomised false arrests under the current Mexican criminal and judicial systems amount to a revocation of basic freedoms and rights. While understanding that there are justifiable arrests made in Mexico and the government has the right to maintain safety within its borders, the first goal of EN VERO is make sure this is done in a way that cannot be compromised by corruption. According to the 2014 Corruption Perceptions Index, Mexico ranks as one of the top 10 most corrupt countries in the Americas and ranks as the second most corrupt police force in the world.[3]

The next goal is ideally to have those who have been arrested with **no evidence** or **forced confessions** to be released. This is an uphill battle, but with strong local partnerships with dedicated lawyers and volunteers, the falsely accused have a much stronger chance of vindication. The connection to quality legal services is key in Mexico, where there is no live testimony during a trial, meaning the fate of the defendant rests upon legal counsel and, too often, statements that have been coerced or tortured out of the arrested.

The strategy of **legal defense** is to search for and highlight procedural irregularities or flaws in the logic of facts presented by the prosecution, including any errors committed, contradictions or inconsistencies in evidence. A legal opinion (or "synthesis report") is then drawn up and then sent to the appropriate judges, magistrates and governors once a version of the facts is established that effectively contradicts the official version that has served as justification for the detention of the victims.

EN VERO also offers **assistance** in the drafting of other necessary legal documents. These include a request for practice of medical examinations, appeals to the prison administration to ensure that the conditions of detention shall preserve the **health**, **safety** and **dignity** during imprisonment, filing of complaints and appeals in local courts all the way up to the Inter-American Court of Human Rights EN VERO also recognises the socio-economic repercussions on a family when a member has been falsely accused, especially when that member is the sole provider for the family. **Support** provided to these types of families range from updates of progress on the case when they are not able to otherwise obtain such information to **psychological support**.

[5] Source: http://www.laht.com/article.asp?ArticleId=376423&CategoryId=14091.
[6] EN VERO is registered Charity organization under the Canadian Income Tax Act. Charity Number: *79972 3093 RR0001*.

Funding Requirement:

In order to achieve the essential goals, EN VERO needs funding support to cover the tireless work of staff, most of whom volunteer their time and efforts for the sake of seeing justice prevail, legal fees for the accused, costs of psychological intervention when needed, and monitoring the physical state of prisoners during the trial and, if EN VERO can only fight for the rights of the falsely accused and find the truth needed to set them free without the generous support of those who truly want their donations to make a significant impact in the fight for justice. All queries and comments can be sent to contact@en-vero.org.

Thank you for your consideration.

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#EndCruelty