



RESPONSES TO INFORMATION REQUESTS (RIRs)

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05 June 2006

MEX101374.E

Mexico: Procedures followed to file a complaint with the Federal Prosecutor's Office (Procuraduría General de la República, PGR) and to obtain copies of a filed complaint (May 2006)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

According to an official with the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH), the procedures followed to file a complaint with the Federal Attorney General's Office (Procuraduría General de la República, PGR) are as follows:

[translation]

- a. Where crimes are committed, a person may go to a federal prosecutor to file a complaint. A pre-trial investigation is then initiated, which may be turned over to a criminal judge where evidence of the crime is established.
- b. In the case of irregularities committed by personnel from the Office of the Federal Attorney General (PGR), a complaint must be submitted to the Office of the Inspector General or to the Internal Investigations Department (internal monitoring body) of the Office of the Federal Attorney General itself.
- c. In the case of human rights violations committed by PGR personnel, a complaint may be filed with the National Human Rights Commission as federal public servants are involved (Mexico 13 May 2006).

In a May 2006 telephone interview, an official with the Directorate of Community Services (Dirección de Servicios a la Comunidad) of the the PGR indicated that to report a crime or offence, as a victim or as a witness, in Mexico, the witness or victim must make his or her case to the Public Ministry (Ministerio Público) in person or in writing (Mexico 19 May 2006; *ibid.*, 23 May 2006, Art. 116 and 118). The complainant must recount the events truthfully and precisely (*ibid.*, Art. 118) and provide his or her signature or fingerprint and postal address (*ibid.*). When the complainant has filed a written complaint by letter, the ministry official must verify the official identification of the victim or witness (*ibid.*, Art. 119).

The Website of the PGR states that there are three ways in which an individual can file a complaint with the Internal Comptroller concerning irregularities committed by personnel from the PGR: by appearing in person at a Federal District Office of the Internal Comptroller; by submitting an electronic form via the Website; or by telephone (Mexico n.d.a). The Website indicates that all information provided when filing a complaint is kept confidential (*ibid.*). The Website also notes that an individual can file a complaint concerning irregularities committed by public servants with the Subprosecutor's Office of the Regional Control, Penalty Procedures and Protection (Subprocuraduría de Control Regional, Procedimientos Penales y Amparo), electronically via its Website (*ibid.* n.d.b). The Website also notes that all information provided when filing a complaint is kept confidential and anonymous (*ibid.*).

A report published by Amnesty International provided the following general information on Mexico's division of powers:

At the federal level, the Federal Public Ministry (Ministerio Público de la Federación), is part of the Office of the Public Prosecutor of the Republic, (Procuraduría General de la República, PGR), which is headed by the Attorney General, (Procurador General de la República). In the 31 states and the Federal District, the Public Ministry is part of the State Public Prosecutor's Office, (Procuraduría General de Justicia del Estado, PGJE). Each is headed by the State Public Prosecutor, (Procurador General de Justicia del Estado). The Attorney General and Public Prosecutors at state and federal level are members of the executive branch and are nominated or appointed directly by the President or governor. All crimes come under state jurisdiction (*fuero común*), unless defined as federal in legislation.

According to a representative of the CNDH, only the person who filed the complaint with the PGR or an individual who has a legal interest in the file can obtain a copy of the complaint (Mexico 13 May 2006; *ibid.* 19 May 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Amnesty International (AI). 25 March 2003. *Mexico. Unfair trials: unsafe convictions.* (AMR41/007/2003). <<http://web.amnesty.org/library/Index/ENGAMR410072003?open&of=ENG-317>> [Accessed 23 May 2006]

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_____. 13 May 2006. Comisión Nacional de los Derechos Humanos (CNDH). Correspondence from an official. Translated from Spanish to English by the Multilingual Translation Directorate, Translation Bureau, Public Works and Government Services Canada.

_____. N.d.a. Procuraduría General de la República (PGR). "Recepción de Quejas y Denuncias." <<http://www.pgr.gob.mx/mail/denuncia.htm>> [Accessed 18 May 2006]

_____. N.d.b. "Subprocuraduría de Control Regional, Procedimientos Penales y Amparo." <<http://www.pgr.gob.mx/mail/denuncia.htm>> [Accessed 18 May 2006]

Additional Sources Consulted

Oral Sources: Comisión de Derechos Humanos del Estado de México (CODHEM), Embassy of Mexico in Ottawa.

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