



RESPONSES TO INFORMATION REQUESTS (RIRs)

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Mexico: Police reports; procedures to obtain a copy from the various police forces; the cost; the persons who can obtain a copy; the time it takes to obtain a copy; the possibility of obtaining a copy from Canada
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Article 2 of the Federal Code of Criminal Procedures (*Código Federal de Procedimientos Penales*) states that the responsibility of receiving a complaint (*denuncia*) and carrying out the preliminary investigation (*averiguación previa*) and any ensuing legal action falls on the Office of the Public Prosecutor (Ministerio Público) (Mexico 30 Aug. 1934). According to a deputy director at the Office of the Attorney General of the Republic (Procuraduría General de la República, PGR), this process is the same at both the federal and the state levels (Mexico 22 Jan. 2008). In a 3 April 2008 telephone interview with the Research Directorate, an official from the Preliminary Investigation Unit (Dirección de Averiguaciones Previas) of the Office of the Attorney General of the State of Querétaro (Procuraduría General de Justicia del Estado de Querétaro, PGJ-Querétaro) stated that the responsibility for carrying out the investigations for the Office of the Public Prosecutor falls on the PGR for federal matters, and on the PGJs of each state for state-level crimes (Mexico 3 Apr. 2008).

According to the Official from the PGJ-Querétaro, the term *averiguación previa* refers to both the preliminary investigation file (which includes the complaint; statements from individuals related to the investigation; and may also include medical and expert reports [*peritajes*]) and to the investigation itself (i.e., the period of the judicial process that follows a complaint but precedes legal action) (Mexico 3 Apr. 2008). Regardless, all preliminary investigations are assigned a unique reference number, whose characteristics depend on the issuing agency of the Office of the Public Prosecutor (agencia del Ministerio Público) (Mexico 19 March 2008a; Mexico 19 March 2008b; Mexico 3 Apr. 2008).

Article 16 of the Federal Code of Criminal Procedures states that [translation] "only the accused, his or her counsel and the victim and/or his or her legal representative may have access to the records of the preliminary investigation" (Mexico 30 Aug. 1934). Officials at the PGR and PGJ-Querétaro also indicated that a copy of the preliminary investigation file can be forwarded only to the parties or their counsel, and only upon authorization of the public prosecutor (agente del Ministerio Público) responsible for the investigation, and upon payment of a nominal fee (Mexico 23 Jan. 2008; Mexico 3 Apr. 2008). According to a public prosecutor at the Office of the Attorney General of the State of Mexico (Procuraduría General de Justicia del Estado de México, PGJ-EdoMex), copies of preliminary investigation files cost approximately 1.5 to 2 Mexican pesos per page (Mexico 25 Feb. 2008) [1.00 Mexican peso = 0.09 Canadian dollars (Canada 25 Feb. 2008)]. The same source indicated that a copy of the preliminary investigation file is released to the authorized requestor upon receipt of proof of payment of an invoice for the amount of the copies; the invoice must first be obtained from the public prosecutor's office and paid at an office of the Ministry of Finance (Secretaría de Hacienda y Crédito Público) (Mexico 25 Feb. 2008).

Officials at the PGR and PGJ-EdoMex indicated that requests for copies of a preliminary investigation file can be made from outside Mexico through the Mexican embassies and consulates abroad (Mexico 22 Jan. 2008; Mexico 25 Feb. 2008). In a 26 February 2008 telephone interview with the Research Directorate, the Consul at the Embassy of Mexico in Ottawa indicated that a person involved in a preliminary investigation can request a copy of the file through a Mexican consular office in Canada, and that obtaining the copy would carry no cost. He indicated that it would take approximately four to six weeks to obtain a copy of this kind of document from Mexico (Mexico 26 Feb. 2008).

According to officials of the PGJs of the states of Mexico and Querétaro, a preliminary investigation can have one of the following results: the file can be put on hold (*reserva*) pending further evidence to support the complaint; it can be sent to archive (*archivo*), meaning that the investigation was concluded without legal action; or it can be sent to the courts (*consignada al juzgado*), meaning that the public prosecutor had sufficient evidence to request an arrest warrant (Mexico 11 March 2008; Mexico 3 Apr. 2008).

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 sources consulted in researching this Information Request.

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