

OFFICIAL PROTOCOL ON THE INVESTIGATION OF THE CRIME OF TORTURE

JUNE 2015

CONTENTS

CONTENTS	3
INTRODUCTION.....	7
LEGAL FRAMEWORK	11
CURRENT LEGISLATION.....	11
International system.....	11
Inter-American system	13
Federal.....	16
States: special legislation	19
States: criminal codes	20
DEFINITION OF TORTURE AND ITS PROHIBITION	21
AIMS	25
GENERAL	25
SPECIFIC	25
ROLES.....	26
PUBLIC PROSECUTORS' OFFICES	26
POLICE.....	28
EXPERTS.....	29
PRINCIPLES AND POLICIES	31
GENERAL	31
MINORS.....	33
PROCEEDINGS	34
INQUISITORIAL SYSTEM / ADVERSARIAL SYSTEM	34
1. LAUNCH OF THE INVESTIGATION	34
1.1 Knowledge of torture	34
1.2 Reports by minors.....	34
1.3 Submission to the specialized department	34
1.4 Initial classification.....	35
1.5 Registration in the Information System.....	35
2. INVESTIGATION STRATEGY.....	36
2.1 Allotted time	36
2.2 Defining the matter for investigation	36
2.3 Missing information to be gathered	38
2.4 Investigative hypotheses.....	38
2.5 Planning the inquiries	38
2.6 Allocation of time and staff	38
3. LOCATING AND ASSISTING THE VICTIM	39
3.1 Locating the victim.....	39
3.2 Physical and psychological examination	39
3.3 Hearing with the victim	41

3.4 Risk assessment	41
4. EVIDENCE.....	43
4.1 Request for authorities to provide information.....	43
4.2 Inspection of the crime scene	44
4.3 Witness interviews.....	45
4.4 Expert analysis.....	45
4.5 Statement by the suspect/accused.....	46
5. MEDICAL AND PSYCHOLOGICAL REPORT	47
5.1 Importance of the Report	47
5.2 Time period for carrying out the Report.....	48
5.3 Reports by independent experts or public human rights bodies.....	48
5.4 Informed consent.....	48
5.5 Experts' preparation.....	49
5.6 General considerations	50
5.7 Medical examination	51
5.8 Psychological examination	52
5.9 Joint report: Overall analysis of results	53
6. DECISION	54
6.1 Analysis of the evidence	54
6.2 Classification or reclassification of the crime	55
6.3 Reparation.....	55
6.4 Committal for trial / charges	56
MINIMUM INFORMATION AND SAMPLE FORMS	58
A. INQUISITORIAL CRIMINAL JUSTICE SYSTEM	59
A.1 Record of informal deposition	59
A.2 Agreement to launch Preliminary Inquiry.....	61
A.3 Letter of approval for the Preliminary Inquiry	65
A.4 Letter requesting the Federal Judicial Police to begin the investigation	67
A.5 Informative report	69
A.6 Letter requesting expert report	71
A.7 Report following medical and physical integrity assessment	73
A.8 Letter requesting victim risk assessment	77
A.9 Letter of summons to victim and/or witnesses	79
A.10 Letter of summons to victim and/or witnesses through competent authority	81
A.11 Agreement to order the necessary protection measures	83
A.12 Letter requesting protection measures from the competent authority	86
A.13 Notice to implement the authorized measures in coordination with the competent authority... ..	88
A.14 Letter ordering that the Expert Medical Report be carried out (Istanbul Protocol).....	90
A.15 Letter regarding preparations for the Expert Report	94
A.16 Informed consent	96
A.17 Report on refusal of consent for expert examination	100
A.18 Request for diagnostic tests and/or consultations (for medicine and psychology).....	102
A.19 Expert Medical and Psychological Report for the Investigation of Torture	106
A.20 Letter of submission of the Medical and Psychological Report.....	117
B. ADVERSARIAL CRIMINAL JUSTICE SYSTEM.....	119
B.1 Handover of detainee	119
B.2 Official police report	123
B.3 Custody chain record	137
B.4 Agreement to launch an investigation	147

B.5. Record of reading the suspect his/her rights	151
B.6 Detention agreement	157
B.7 Request to the police to hold the detainee	161
B.8 Record of reading the suspect his/her rights	164
B.9 Proceedings of addition to statement and police report	166
B.10 Agreement on the immediate release of the suspect	169
B.11 Agreement stating the reason for the immediate release of the detainee.....	171
B.12 Investigation plan, including investigation strategy	173
B.13 Interview with the victim and/or witnesses	176
B.14 Request for further inquiries	179
B.15 Compilation of evidence.....	181
B.16 Letter handing the accused over to the supervising judge, and request for detention hearing	185
B.17 Letter declaring closure of the investigation	187
B.18 Draft charge.....	189
B.19 Police report	195
B.20 Transportation plan	201

INTRODUCTION

The United Nations' Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity establishes that, in accordance with international law, torture, enforced disappearances, extrajudicial execution, and slavery are crimes.

The investigation of the crime of torture and cruel, inhuman or degrading treatment or punishment is one of the main challenges that still prevail in Mexico's justice system. It requires that institutional capacity be bolstered through the reform of the Mexican legal system and its transition from an inquisitorial system to an adversarial one.

On December 19, 2014, the National Council for Public Security agreed to draft an Official Protocol on the Investigation of the Crime of Torture that would explore best practices for the investigation of this crime at the ministerial, technical, and police levels, along with guiding principles for how to treat victims with dignity and respect. The Protocol would be intended for nationwide implementation.

The Protocol was indeed drafted in a joint effort involving the Offices of the Federal, State, and Federal District Attorneys-General, experts in the field, and national and international human rights organizations and bodies.¹

By establishing this Protocol, the Mexican State is honoring its commitment to ratify the two relevant International Conventions, in compliance with its obligations stemming from the rulings and recommendations on torture handed down by international human rights bodies in both the United Nations and the Inter-American Systems. The Protocol also takes into account the recommendations contained in the 2014 report of the United Nations Special Rapporteur.

¹ We are particularly grateful to the following for their contributions: Juan Carlos Arjona; Ernesto Cárdenas (Institute for Security and Democracy); Edgar Cortés (Mexican Institute for Human Rights and Democracy); Ibett Estrada (Institute for Security and Democracy); Alan García (Office of the United Nations High Commissioner for Human Rights in Mexico); Ricardo Gluyas (National Institute for Criminal Sciences); José Antonio Guevara (Mexican Commission for the Defense and Promotion of Human Rights); Juan Carlos Gutiérrez (Idheas, Strategic Human Rights Litigation); Miriam Heredia (Human Rights Commission of Michoacán); Isabel Martínez (Institute for Security and Democracy, A.C.); Enrique Moctezuma (National Human Rights Commission); Valeria Moscoso (Mexican Commission for the Defense and Promotion of Human Rights); Rigoberto Ortíz (National Institute for Criminal Sciences); Madeleine Penman (Amnesty International); Adrián Ramírez (Mexican League for the Defense of Human Rights); Pilar Sanmartín (Office of the United Nations High Commissioner for Human Rights in Mexico); Miguel Sarre; Emmanuelle Sheelo; and Patricia Villa (International Committee of the Red Cross).

The holdings and jurisprudence of the Supreme Court of Justice of Mexico, as well as the Court's Protocol for Those who Administer Justice in Matters Involving Acts Constituting Torture and Ill Treatment, were key sources when drafting the Protocol. Of particular relevance was the Court's holding on the way in which investigations are to be carried out, which states that they should be impartial, detailed, independent, and subject to due diligence, that evidence obtained through torture should be dismissed, and that the burden of proof should fall to the State.

Our highest Court has ruled that, pursuant to the Mexican constitutional framework and body of conventions, the prohibition of torture is recognized and protected as an absolute right contained within the body of international *jus cogens*, while its consequences and effects constitute both a human rights violation and a crime.

The Expert Medical and Psychological Report for the Effective Investigation and Documentation of Torture was designed in accordance with the guiding principles of the Istanbul Protocol, and establishes that this should not be the only piece of evidence considered, but rather a significant piece of evidence to be assessed in conjunction with the other evidence available and the context in which the allegations of torture were made.

Another of the recommendations referred to in the Protocol is that according to which victims should receive comprehensive care regardless of whether the perpetrators of the crime are identified and brought to justice. Such care should take into account the particular circumstances of vulnerable or risk-prone individuals, and especially children, adolescents, migrants, members of indigenous communities, persons with disabilities, women, pregnant women, non-Spanish-speaking persons, older adults, and persons deprived of their liberty.

The Protocol seeks to establish policies and procedures in accordance with international human rights standards for the investigation of torture without reproducing the provisions of the Criminal Procedure Codes; the aim is for the Protocol to serve as a guide through the various stages of criminal proceedings in order for there to be a thorough investigation of the facts and so that the victim of torture is not victimized further.

Since the Mexican Justice System is the foremost means by which rights are enforced and the Public Prosecutor's Office is, pursuant to Article 21 of the Constitution, the embodiment of that system, all its actions must clearly demonstrate its compliance with the requirement that all rights be widely protected. This Protocol therefore offers a non-exhaustive list of the best practices for such protection during investigations of the crime of torture.

The amendment of Article 73 of the Political Constitution of the United Mexican States to allow the Mexican Congress to pass a General Law on torture and cruel, inhuman or degrading treatment or punishment is a significant step forward in this field since it means that the disparate rules on the categorization of offenses can be harmonized and the problems with coordination between federal and state authorities in investigating and prosecuting this crime can be remedied.

In accordance with the Agreement of the National Council for the Administration of Justice, the specialized torture investigation departments in each body involved in the administration of justice in Mexico must be served by personnel who have been trained in the procedures set forth in this Protocol and in current legislation.

LEGAL FRAMEWORK

CURRENT LEGISLATION

INTERNATIONAL SYSTEM

- ❖ Universal Declaration of Human Rights.
- ❖ Declaration on the Protection of All Persons from being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- ❖ World Medical Association Declaration of Lisbon on the Rights of the Patient.
- ❖ World Medical Association Declaration of Tokyo: Guidelines for Physicians Concerning Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment.
- ❖ Rome Statute of the International Criminal Court.
- ❖ International Covenant on Civil and Political Rights.
- ❖ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- ❖ Convention on the Elimination of All Forms of Discrimination against Women.
- ❖ Convention on the Rights of the Child.
- ❖ Convention on the Rights of Persons with Disabilities.
- ❖ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- ❖ International Convention for the Protection of All Persons from Enforced Disappearance.

- ❖ ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries.
- ❖ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
- ❖ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- ❖ Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- ❖ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- ❖ Basic Principles for the Treatment of Prisoners.
- ❖ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- ❖ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.
- ❖ Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity.
- ❖ Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- ❖ Minimum Rules for the Treatment of Prisoners.
- ❖ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).
- ❖ United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.
- ❖ Committee Against Torture, General Comment No. 2.

- ❖ Human Rights Committee, General Comment No. 20: “Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment (Article 7)”.
- ❖ Committee Against Torture, General Comment No. 3: “Implementation of article 14 by States Parties”.
- ❖ Committee on the Rights of the Child, General Comment No. 8: “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”.
- ❖ Committee on the Rights of the Child, General Comment No. 13: “The right of the child to freedom from all forms of violence”.
- ❖ Code of Conduct for Law Enforcement Officials.
- ❖ Guidelines on the Role of Prosecutors.
- ❖ Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

INTER-AMERICAN SYSTEM

- ❖ American Declaration on the Rights and Duties of Man.
- ❖ American Convention on Human Rights.
- ❖ Inter-American Convention to Prevent and Punish Torture.
- ❖ Inter-American Convention on the Prevention, Punishment and Eradication of All Forms of Violence against Women (Belém do Pará Convention).
- ❖ Inter-American Convention on Forced Disappearance of Persons.
- ❖ Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.
- ❖ Inter-American Convention against All Forms of Discrimination and Intolerance.
- ❖ Principles and Good Practices on the Protection of Persons Deprived of Liberty in the Americas.

- ❖ I/A Court H. R. Case of García Cruz and Sánchez Silvestre v. Mexico. Merits, Reparations, and Costs. Judgment of November 26, 2013. Series C No. 273.
- ❖ I/A Court H. R. Case of García Lucero et al. v. Chile. Preliminary Objection, Merits, and Reparations. Judgment of August 28, 2013. Series C No. 267.
- ❖ I/A Court H.R. Case of Gudiel Álvarez et al. ("Diario Militar") v. Guatemala. Interpretation of the Judgment on Merits, Reparations, and Costs. Judgment of August 19, 2013. Series C No. 262.
- ❖ I/A Court H. R. Case of Mendoza et al. v. Argentina. Preliminary Objections, Merits, and Reparations. Judgment of May 14, 2013. Series C No. 260.
- ❖ I/A Court H.R. Case of Gudiel Álvarez et al. ("Diario Militar") v. Guatemala. Merits, Reparations, and Costs. Judgment of November 20, 2012. Series C No. 253.
- ❖ I/A Court H.R. Case of Pacheco Teruel et al. v. Honduras. Merits, Reparations, and Costs. Judgment of April 27, 2012. Series C No. 241.
- ❖ I/A Court H.R. Case of Fleury et al. v. Haiti. Merits and Reparations. Judgment of November 23, 2011. Series C No. 236.
- ❖ I/A Court H.R. Case of Rosendo Cantú et al. v. Mexico. Interpretation of Judgment of Preliminary Objection, Merits, Reparations, and Costs. Judgment of May 15, 2011. Series C No. 225.
- ❖ I/A Court H.R. Case of Cabrera García and Montiel-Flores v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 26, 2010. Series C No. 220.
- ❖ I/A Court H.R. Case of Rosendo-Cantú et al. v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of August 31, 2010. Series C No. 216.
- ❖ I/A Court H.R., Case of the "Las Dos Erres" Massacre v. Guatemala. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 24, 2009. Series C No. 211.
- ❖ I/A Court H.R. Case of González et al. ("Cotton Field") v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009. Series C No. 205.
- ❖ I/A Court H.R. Case of Bueno Alves v. Argentina. Merits, Reparations, and Costs. Judgment of May 11, 2007. Series C No. 164.
- ❖ I/A Court H.R., Case of Vargas Areco v. Paraguay. Judgment of September 26, 2006. Series C No. 155.

- ❖ I/A Court H.R. Case of the Ituango Massacres v. Colombia. Judgment of July 1, 2006. Series C No. 148.
- ❖ I/A Court H.R. Case of Baldeón García v. Peru. Merits, Reparations, and Costs. Judgment of April 6, 2006. Series C No. 147.
- ❖ I/A Court H.R. Case of Gutiérrez Soler v. Colombia. Judgment of September 12, 2005. Series C No. 132.
- ❖ I/A Court H.R. Case of Caesar v. Trinidad and Tobago. Merits, Reparations, and Costs. Judgment of March 11, 2005. Series C No. 123.
- ❖ I/A Court H.R. Case of Alfonso Martín del Campo Dodd v. Mexico. Preliminary Objections. Judgment of September 3, 2004. Series C No. 113.
- ❖ I/A Court H.R. Case of the Gómez Paquiyaury Brothers v. Peru. Merits, Reparations, and Costs. Judgment of July 8, 2004. Series C No. 110.
- ❖ I/A Court H.R. Case of Maritza Urrutia v. Guatemala. Merits, Reparations, and Costs. Judgment of November 27, 2003. Series C No. 103.
- ❖ I/A Court H.R. Case of Cantoral Benavides v. Peru. Reparations and Costs. Judgment of December 3, 2001. Series C No. 88.
- ❖ I/A Court H.R. Case of Cesti Hurtado v. Peru. Interpretation of the Judgment of Reparations and Costs. Judgment of November 27, 2001. Series C No. 86.
- ❖ I/A Court H.R. Case of Cesti Hurtado v. Peru. Reparations and Costs. Judgment of May 31, 2001. Series C No. 78.
- ❖ I/A Court H.R. Case of the “White Van” (Paniagua Morales et al.) v. Guatemala. Reparations and Costs. Judgment of May 25, 2001. Series C No. 76.
- ❖ I/A Court H.R. Case of Cantoral Benavides v. Peru. Merits. Judgment of August 18, 2000. Series C No. 69.
- ❖ I/A Court H.R. Case of Cesti Hurtado v. Peru. Interpretation of the Judgment of Merits. Judgment of January 29, 2000. Series C No. 65.

- ❖ I/A Court H.R. Case of Cesti Hurtado v. Peru. Request for Interpretation of the Judgment of Merits. Order of the Court of November 19, 1999. Series C No. 62.
- ❖ I/A Court H.R. Case of Cesti Hurtado v. Peru. Merits. Judgment of September 29, 1999. Series C No. 56.
- ❖ I/A Court H.R. Case of Cesti Hurtado v. Peru. Preliminary Objections. Judgment of January 26, 1999. Series C No. 49.
- ❖ I/A Court H.R. Case of Cantoral Benavides v. Peru. Preliminary Objections. Judgment of September 3, 1998. Series C No. 40.
- ❖ I/A Court H.R. Case of Benavides Cevallos v. Ecuador. Merits, Reparations, and Costs. Judgment of June 19, 1998. Series C No. 38.
- ❖ I/A Court H.R. Case of the “White Van” (Paniagua Morales et al.) v. Guatemala. Merits. Judgment of March 8, 1998. Series C No. 37.
- ❖ I/A Court H.R. Case of the “White Van” (Paniagua Morales et al.) v. Guatemala. Preliminary Objections. Judgment of January 25, 1996. Series C No. 23.

FEDERAL

- ❖ Political Constitution of the United Mexican States.
- ❖ Federal Code of Criminal Procedure.
- ❖ National Code of Criminal Procedure.
- ❖ Federal Law to Prevent and Punish Torture.
- ❖ Federal Law on the Responsibilities of Civil Servants.
- ❖ Federal Law on Responsibility for Financial Injury.
- ❖ General Law on Victims.
- ❖ Federal Law for the Protection of Persons Involved in Criminal Proceedings.
- ❖ Law on Migration.
- ❖ Organic Law of the Office of the Attorney-General of the Republic.

- ❖ Supreme Court of Justice of Mexico, Resolution 912/2010.
- ❖ Supreme Court of Justice of Mexico, Conflicting Holding 293/2011.
- ❖ Supreme Court of Justice of Mexico, Isolated Holding, Tenth Epoch: TORTURE. FAILURE TO INVESTIGATE A REPORT BY PERSONS OTHER THAN THE ACCUSED WHO INTERVENED AT SOME STAGE OF THE PROCEEDINGS CONSTITUTES A VIOLATION OF THE LAW OF PROCEDURE AND WARRANTS THE REINSTITUTION OF THE INVESTIGATION.
- ❖ Supreme Court of Justice of Mexico, Isolated Holding, Tenth Epoch: 1a. LVII/2015 (10a.) TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT. MEANS OF INVESTIGATION.
- ❖ Supreme Court of Justice of Mexico, Isolated Holding, Tenth Epoch: 1a. LVI/2015 (10a.) TORTURE. DEGREES OF VIOLATION OF THE RIGHT OF PERSONS TO THEIR PHYSICAL AND PSYCHOLOGICAL INTEGRITY.
- ❖ Supreme Court of Justice of Mexico, Isolated Holding, Tenth Epoch: 1a. LIV/2015 (10a.) TORTURE. THE AUTHORITY IS OBLIGED TO INVESTIGATE TORTURE WHERE REASONABLE EVIDENCE IS PRESENT.
- ❖ Supreme Court of Justice of Mexico, Isolated Holding, Tenth Epoch: III.2o.P.66 P (10a.) TORTURE. IF IT DOES NOT CONSTITUTE AN IRREPARABLE ACT, INDIRECT AMPARO PROCEEDINGS SHALL APPLY IN ITS REGARD, AND THUS THE DISTRICT JUDGE MUST ADMIT THE REQUEST EVEN IN CASES WHERE THE PRELIMINARY INQUIRY, WHICH ADDUCES THAT THE COMPLAINANT DID FALL VICTIM TO THE TREATMENT IN QUESTION, HAS BEEN HANDED OVER TO THE JUDICIAL AUTHORITY.
- ❖ Supreme Court of Justice of Mexico, Isolated Holding, Tenth Epoch: 1a. LV/2015 (10a.) TORTURE. ELEMENTS OF THE CRIME. DETENTION. IF THE SUSPECT WHO CONFESSED BEFORE THE PUBLIC PROSECUTOR'S OFFICE TO HAVING PARTICIPATED IN THE CRIMINAL ACTS WAS APPREHENDED IN FLAGRANTE DELICTO IN A DIFFERENT PRELIMINARY INQUIRY AND IS THEREFORE AT THE DISPOSAL OF THE AUTHORITY RELEVANT TO THAT INQUIRY WHERE HIS/HER LIBERTY IS CONCERNED, IN ORDER TO ASCERTAIN THE VALIDITY OF THE CONFESSION, STATEMENTS ATTESTING TO THE LEGALITY OF THE CONFESSION AND DEMONSTRATING WHETHER OR NOT IT WAS EXTENDED MUST FIRST BE OBTAINED (LEGISLATION OF THE STATE OF NUEVO LEÓN). IV.1o.P.10 P (10a.)

- ❖ Supreme Court of Justice of Mexico, Isolated Holding, Tenth Epoch: 1a. CCCLXXXIII/2014 (10a.) TORTURE. THE SELF-INCRIMINATION OF THE SUSPECT IS NOT A PREREQUISITE FOR CONFIRMING THE EXISTENCE OF THE CRIME.
- ❖ Supreme Court of Justice of Mexico Isolated Holding, Tenth Epoch: 1a. CCV/2014 (10a.) TORTURE. CONSTITUTES A SPECIAL AND MORE SERIOUS CASE AND REQUIRES STRICT EXAMINATION ACCORDING TO NATIONAL AND INTERNATIONAL STANDARDS.
- ❖ Supreme Court of Justice of Mexico, Isolated Holding, Tenth Epoch: 1a. CCVII/2014 (10a.) TORTURE. OBLIGATIONS OF THE AUTHORITY WHEN A PERSON REPORTS HAVING SUFFERED TORTURE OR INFORMATION ABOUT TORTURE IS OBTAINED.
- ❖ Supreme Court of Justice of Mexico, Isolated Holding, Tenth Epoch: 1a. CCVI/2014 (10a.) TORTURE. ITS MEANING AND THE SCOPE OF ITS PROHIBITION ARE AN ABSOLUTE RIGHT, AND ITS CONSEQUENCES AND EFFECTS ARE SEEN IN ITS IMPACT BOTH AS A HUMAN RIGHTS VIOLATION AND AS A CRIME.
- ❖ Supreme Court of Justice of Mexico, Isolated Holding, Tenth Epoch: XXVI.5o. (V Región) 7 P (10a.) TORTURE. ITS MEANING AND THE SCOPE OF ITS PROHIBITION ARE AN ABSOLUTE RIGHT, AND ITS CONSEQUENCES AND EFFECTS ARE SEEN IN ITS IMPACT BOTH AS A HUMAN RIGHTS VIOLATION AND AS A CRIME.
- ❖ On March 18, 2015, in *Amparo* Review No. 631/2013, the First Chamber of the Supreme Court of Justice of Mexico decided by a majority to order the immediate release of Alfonso Martín del Campo Dodd, having confirmed that torture had been used to extract his confession to having perpetrated his crimes, with no other evidence in the criminal proceeding which found him guilty.
- ❖ Supreme Court of Justice of Mexico. Protocol for the administration of justice in matters pertaining to acts constituting torture and ill treatment

STATES: SPECIAL LEGISLATION

- ❖ Law to Prevent and Punish Torture in the State of Aguascalientes.
- ❖ Law to Prevent and Punish Torture in the State of Campeche.
- ❖ Law to Prevent and Punish Torture in the State of Coahuila de Zaragoza.
- ❖ Local Law to Prevent and Punish Torture of the State of Chiapas.
- ❖ Law to Prevent, Punish, and Eradicate Torture in the State of Chihuahua.
- ❖ Law No. 439 to Prevent, Punish, and Eradicate Torture in the State of Guerrero.
- ❖ Local Law to Prevent and Punish Torture of the State of Jalisco.
- ❖ Law to Prevent and Punish Torture in the State of México.
- ❖ Law to Prevent and Punish Torture in the State of Morelos.
- ❖ Law to Prevent and Punish Torture in the State of Nayarit.
- ❖ Local Law to Prevent and Punish Torture of the State of Oaxaca.
- ❖ Law to Prevent, Investigate, Punish, and, Where Applicable, Eradicate Torture in the State of Puebla.
- ❖ Law to Prevent and Punish Torture in the State of Quintana Roo.
- ❖ Law to Prevent, Punish, and Eradicate Torture in the State of Sonora.
- ❖ Law to Prevent and Punish Torture for the State of Tlaxcala.
- ❖ Law to Prevent and Punish Torture in the State of Veracruz de Ignacio de la llave.
- ❖ Law to Prevent, Combat, and Punish Torture in the State of Yucatán.

- ❖ Criminal Code for the State of Baja California. Capítulo XII Prevention and punishment of torture. Articles 307 bis and 307 ter.
- ❖ Criminal Code for the State of Baja California Sur. Chapter V Torture. Articles 149 and 150.
- ❖ Federal Criminal Code (previously: Penal Code for the Federal District in respect of Ordinary Law and for the entire Republic in respect of Federal Law). Chapter VII Torture. Articles 261 and 262.
- ❖ Criminal Code for the Free and Sovereign State of Durango. Third Chapter Torture. Articles 197 to 204.
- ❖ Criminal Code of the State of Guanajuato. Third Title, Chapter I Torture. Article 264.
- ❖ Criminal Code for the State of Hidalgo. Eighteenth Title, Chapter I Crimes committed by civil servants and torture. Articles 322 and 322 bis.
- ❖ Criminal Code of the State of Michoacán de Ocampo. Chapter IX On torture. Article 186.
- ❖ Criminal Code for the State of Nuevo León. Chapter VI bis Torture. Article 321 bis.
- ❖ Criminal Code for the State of Querétaro. Chapter X On torture. Articles 309 to 315.
- ❖ Criminal Code of the State of San Luis Potosí. Chapter VII Torture. Articles 282 to 286.
- ❖ Criminal Code for the State of Sinaloa. Chapter II Torture. Articles 328 to 333.
- ❖ Criminal Code for the State of Tabasco. Chapter VII Torture. Articles 261 and 262.
- ❖ Criminal Code for the State of Tamaulipas. Chapter IV Torture. Article 213.
- ❖ Criminal Code for the State of Zacatecas. Chapter VI Torture. Articles 371 to 373.

DEFINITION OF TORTURE AND ITS PROHIBITION

The constitutional reform in the field of human rights announced in the Federal Official Gazette on June 10, 2011 established the obligation to carry out a broad-ranging constitutionality control based on standards for the strictest protection of human rights. In other words, the spirit of the constitutional reform consists in submitting all authorities' activities to certain rules that stem from the Constitution, legislation, conventions, general comments, and jurisprudence, among others, in the field of human rights. Regardless of whether these are national or international texts, they guarantee respect for human rights with the broadest and most progressive approach possible.

The international treaties that, in accordance with Article 133 of the Constitution, are national law in Mexico offer the following definitions for torture:

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Article 1.1. [T]he term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Inter-American Convention to Prevent and Punish Torture

Article 2. For the purposes of this Convention, torture shall be understood to be any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty, or for any other purpose. Torture shall also be understood to be the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish.

Article 3. The following shall be held guilty of the crime of torture:

- a. A public servant or employee who acting in that capacity orders, instigates or induces the use of torture, or who directly commits it or who, being able to prevent it, fails to do so.

- b. A person who at the instigation of a public servant or employee mentioned in subparagraph (a) orders, instigates or induces the use of torture, directly commits it or is an accomplice thereto.

Rome Statute of the International Criminal Court

Article 7. Crimes against humanity.

1. For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

...

f) Torture;

...

2. For the purpose of paragraph 1:

...

e) “Torture” means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused.

The following can be deduced from the above three definitions:

- ✚ All three treaties note that torture is an intentional act that causes pain or suffering; however, the Inter-American Convention also deems methods intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish, to constitute torture.
- ✚ For torture to be classed as a crime against humanity, it must be widespread or systematic and directed against a civilian population.

The seriousness of carrying out acts of torture has earned it the status of an international crime. This is because when an act of torture is committed, in addition to the direct and indirect victims of the crime, the international community is considered to be affected, since torture is one of the crimes that destroy a human being to the core.

- ✚ The seriousness of the pain or suffering caused features in the Statute and the International Convention but not in the Inter-American Convention; however, the Inter-American Court of Human Rights always takes this aspect into account, particularly when considering situations involving vulnerable individuals.

- ✚ The Inter-American Convention, like the Rome Statute, does not include the purpose in its definition of torture; torture may take place with any purpose in mind.
- ✚ The Rome Statute states that any person, be he/she a civil servant or otherwise, may be responsible for a crime against humanity; the two Conventions refer to the responsibility of public officials along with individuals acting with their agreement or consent.

Particularly in matters relating to treatment, documentation, reparation of damages, and due diligence, these laws must be interpreted such that persons are at all times granted the broadest level of protection, subject to the principle of conventionality control, as enshrined in Article 1 of the Constitution, the interpretation of case Miscellaneous 912/2010 (Radilla case), and Contradictory Holding 293/2011 of the Supreme Court of Justice of Mexico.²

The Inter-American and International Conventions, along with the Mexican Constitution, prohibit torture even when constitutional guarantees have been suspended; in other words, the protection of personal integrity is part of the inviolable core which can never be suspended or repealed regardless of the circumstances in which a State may find itself.

The prohibition of torture is enshrined in Article 7 of the United Nations' International Covenant on Civil and Political Rights:

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Similarly, in the Inter-American system, torture is prohibited under Article 5 of the American Convention on Human Rights:

Right to personal integrity

1. Every person has the right to have his physical, mental, and moral integrity respected.

² Pursuant to the General Law on Victims, direct victims are natural persons who have suffered economic, physical, mental, emotional pain or harm or generally put in danger or whose legal assets or rights have been affected because a crime has been committed or their human rights have been violated. Indirect victims are the family members or natural persons who are dependents of the direct victim and have a close relationship with him/her, while potential victims are natural persons whose physical integrity or rights are endangered as a result of offering assistance to the victim either to prevent or to stop the violation of rights or the perpetration of a crime.

2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.

In 1975, the United Nations adopted a Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was the basis for the adoption of the Convention against Torture on December 10, 1984, in which torture is recognized as an “assault on human dignity”.

AIMS

GENERAL

To define the general principles and procedures for mandatory official actions for the attention of officials of the Public Prosecutor's Office, experts, and police staff who are responsible for investigating the crime of torture, in accordance with international human rights standards.

SPECIFIC

- ❖ To specify the various elements which a serious, thorough, and impartial investigation should comprise in order for the right to truth and justice to be guaranteed when acts of torture are reported.
- ❖ To apply the principles according to which the burden of proof is reversed to the authorities and proof must effectively be obtained to substantiate the decision of the Public Prosecutor's Office.
- ❖ To establish standards for mandatory supervision regarding the use of the Expert Medical and Psychological Report for the Investigation of Torture, in line with the provisions of the Istanbul Protocol.
- ❖ To define precisely the physical and psychological pain and suffering caused to the victim, which will allow comprehensive reparation to be determined and protection measures to be adopted.
- ❖ To organize the information garnered through comprehensive investigation of the crime of torture with a view to establishing an accurate database; this should be used to generate statistics on incidence rates for the crime and allow public policies to be honed with a view to its eradication.

ROLES

PUBLIC PROSECUTORS' OFFICES

Inquisitorial	Adversarial
<p>The Public Prosecutor's Office is tasked with leading the investigation, coordinating the police and expert services during the investigation, and deciding whether criminal proceedings should be instigated to prove that the crime was or was not committed and the culpability of the perpetrator(s) and their accomplices.</p>	
<p>Ensure that all criminal investigations are carried out in strict respect for the human rights recognized in the Constitution and international treaties.</p>	
<p>Receive verbal and written reports or complaints regarding acts that may constitute a crime.</p>	<p>Receive verbal, written, and digital reports, including those submitted anonymously, regarding acts that may constitute a crime.</p>
<p>Carry out and lead criminal investigations to establish the substance of the offense and the likely culpability of the accused, as well as reparation. To this end, it must coordinate the police and experts throughout the investigation.</p>	
<p>Preserve, organize or oversee, as appropriate, the implementation and execution of the measures necessary to prevent evidence, clues or traces of the criminal act, tools or objects used in it, and proceeds from it from being destroyed or tampered with once the act has come to light, and ensure that the rules and protocols for the preservation and processing of these have been followed.</p>	
<p>Agree to/order the detention or holding in custody of the suspects/accused, where appropriate. Their detention must be recorded immediately. If it is decided that they are to be held in custody, the record must be updated to reflect this.</p>	
<p>Request that the necessary action be taken and promoted to ensure that security is guaranteed for and assistance provided to victims, injured parties, witnesses, judges, magistrates, officials of the Public Prosecutor's office, police officers, experts, and, in general, all individuals whose life or physical integrity are imminently at risk due to their involvement in the proceedings.</p>	
<p>Rule that certain cases should be temporarily filed and that criminal proceedings should not be instigated, and exercise the right not to investigate.</p>	

Inquisitorial	Adversarial
Carry out criminal proceedings, where applicable.	
Ensure that a defense attorney is present when the suspect/accused makes his/her statement.	
Order the police and its auxiliaries to perform the investigative tasks which fall within their remit with a view to shedding light on the facts of the case, and analyze the actions performed.	
Demand reports and documentation from other authorities and individuals, and request expert opinions and assessments in order to obtain further evidence.	
Take the necessary security measures to ensure that the victims, injured parties or witnesses may identify the suspect without being exposed to any risk as a result.	
Grant the judicial body access to the detained persons within the established time periods.	
Request that the applicable precautionary measures be taken with regard to the suspect over the course of the trial, in line with relevant provisions, and promote compliance with these.	
Provide relevant evidence and request that compensation be paid to the victim or injured party, without prejudice to their own right to request it themselves.	
Act strictly in accordance with the principles of legality, objectivity, effectiveness, professionalism, integrity, and respect for the human rights recognized in the Constitution.	

POLICE

Inquisitorial	Adversarial
The police shall act under the leadership and orders of the Public Prosecutor’s Office in criminal investigations.	
Receive reports regarding acts that may constitute a crime and, without delay and by any means, inform the Public Prosecutor’s Office of the action taken.	
Interview persons who may be able to contribute information or details to the investigation.	
Issue the police report and other documents in line with relevant provisions.	
Attend to victims, injured parties, and witnesses to the crime.	
Preserve the crime scene and generally take all necessary action to safeguard the integrity of the evidence.	
Where applicable, must report to the police service that is best able to process the crime scene and to the Public Prosecutor’s Office in accordance with the provisions laid out in this Code and in relevant legislation.	
Ensure compliance with ministerial and legal orders handed down to them.	
Call upon the Public Prosecutor’s Office to demand any reports or documents required for the investigation from the competent authorities.	Call upon the competent authorities and request natural or legal persons to provide any reports or documents required for the investigation. If these do not acquiesce, inform the Public Prosecutor’s Office so that it can resolve the matter.
Carry out the necessary investigations to shed light on the crime and the identity of the likely perpetrators, in compliance with the orders of the Public Prosecutor’s Office.	
Make arrests, in the cases authorized by the Constitution, making the detainee aware of their constitutional rights.	
Inform the Public Prosecutor’s Office, without delay and by any means, of the detention of any individual, and record the detentions immediately on the register established for this purpose by the relevant provisions.	

Inquisitorial	Adversarial
Ensure that all actions are recorded, monitored, and followed up on. Accept and preserve all pieces of evidence provided by the victim or injured party in order to confirm the (substance of the) crime and the probable culpability of the suspect/accused, informing the Public Prosecutor's Office immediately.	

EXPERTS

Inquisitorial	Adversarial
Where specialist knowledge is required for the examination of individuals, facts or objects, experts should be called upon to assist with the investigation.	
Experts should possess an official qualification in the science or art which relates to the area upon which they are to report, and should not be subject to any suspension on carrying out their professional activities. If they do not possess such a qualification, they shall be appointed as practical experts.	
The judicial body shall, on request, order the appointment of experts from public institutions, who shall be obliged to offer the required expertise provided that there is no material impediment to their so doing.	
Experts shall issue their report in writing and ratify it; official experts do not need to ratify their reports unless the civil servant carrying out the investigations deems this necessary. The written report does not exempt the expert from having to make a statement before the court.	
Experts drafting reports should have constant access to the evidence upon which their opinions shall be based, or to which reference shall be made during the hearing.	
External injuries shall be inspected with the assistance of medical experts and described in detail. These experts shall provide a report describing the injuries and classifying them according to their nature, seriousness, consequences, and any other circumstance deemed worthy of consideration.	
Experts shall ensure that evidence, clues or traces of the criminal act, tools or objects used in it, and proceeds from it are handled properly, and provide opinions on these as requested.	
Experts shall report in writing to the Public Prosecutor's Office if evidence, clues or	

Inquisitorial	Adversarial
traces of the criminal act, tools or objects used in it, and proceeds from it have not been properly preserved.	
Experts shall keep the Public Prosecutor's Office informed of the progress of their investigations and their outcomes and issue a written report on these.	
With the exception of permanent officials, experts who agree to participate in investigations must take an oath of faithful performance of office before the civil servant carrying out the investigations.	
Experts and other third parties called upon to participate in proceedings in relation to the provision of evidence may ask the relevant authority to take measures to ensure that they are granted the same protection as witnesses, pursuant to relevant legislation.	
When several examinations are required for victims of sexual assault or when the nature of the criminal act warrants it, a multidisciplinary team must be composed, including professionals trained in victim assistance, so that all the interviews required to draft the report can be carried out in a single session.	

The difference between the inquisitorial and adversarial systems in terms of the roles of investigating officials, experts, and officials of the Public Prosecutor's Office is as follows. In the first system, their work takes the form of written contributions to the Preliminary Inquiry; this takes the place of the opposition and discussion of ideas regarding the lines of inquiry, the explanatory scope of the experts' work, and the presentation of their arguments at the stage where the adversarial system would encourage a case to be put together (case hypothesis) regarding charges to be brought.

PRINCIPLES AND POLICIES

GENERAL

- ❖ Under no circumstances shall the Public Prosecutor's Office be able to contend that the period for criminal proceedings has lapsed; the crime of torture is non-lapsable.
- ❖ Torture investigations should be independent and conducted according to the principle of due diligence, which consists, *inter alia*, of the elements of helpfulness, immediacy, impartiality, timeliness, and thoroughness.³
- ❖ All actions on the part of the authorities must respect victims' dignity.
- ❖ No aspect of victims' particular circumstances may constitute a reason to deny them their status as such or to undermine the suffering inflicted upon them.
- ❖ The authorities must take into account the individual circumstances and particular vulnerability of victims to assess the seriousness of their pain or suffering and offer the necessary protection and assistance.
- ❖ The Public Prosecutor's Office shall ensure that interviews with victims and witnesses are held in an appropriate setting, and that sufficient measures are taken to ensure their safety and to protect their physical and psychological integrity.
- ❖ Law-enforcement institutions shall investigate torture with specialist law-enforcement, police, and technical expert assistance.
- ❖ The Public Prosecutor's Office instigating a torture investigation must be different from that investigating criminal behavior alleged to have been perpetrated by the victim of the act of torture in question.
- ❖ Investigations must be carried out in an immediate, efficient, thorough, professional, and impartial manner, must be free from stereotypes or discrimination, and must set out to explore all potential lines of investigation which may yield information allowing light to be shed on the event deemed by the law to be a criminal act and to identify the individual who perpetrated it or was an accomplice in it.

³ Center for Justice and International Law. *Due Diligence in the Investigation of Serious Human Rights Violations*. Buenos Aires, Argentina: CEJIL, 2010.

- ❖ If torture is proven, the Public Prosecutor's Office shall send the evidence to its counterpart investigating the crime which the victim is alleged to have committed.
- ❖ If torture is proven, the rule of suppression of evidence must be applied, regardless of whether the perpetrators of torture have been prosecuted.
- ❖ Civil servants must grant victims access to the available assistance, care, and support as soon as they require it, as well as respecting their rights and allowing them to effectively exercise them.
- ❖ In cases where the perpetrator is not identified or a suspect is charged with aiding and abetting, the Public Prosecutor's Office must ensure that all elements of potential culpability are considered, analyzing each assumption regarding the perpetration of or complicity in the act, as referred to in current legislation, including those directly established in the criminal definition of torture, as well as those resulting from perpetration under superior orders, such as committing a crime by omission.
- ❖ Victims have the right to have an independent expert carry out their Expert Medical and Psychological Report for the Effective Investigation and Documentation of Torture. The expert must be duly accredited to the Public Prosecutor's Office, which will have access to the file for the purpose of assessing the expert's work.
- ❖ From the outset, the authorities involved in the proceedings shall inform the victim about the proceedings, how they are progressing, and how all the information provided by the victim is to be used, in an understandable manner and using plain language.
- ❖ Those conducting and assisting with torture investigations must study the reports, comments, recommendations, and rulings handed down to Mexico by international human rights bodies.
- ❖ The outcomes of torture investigations must be made public, in line with constitutional principles and binding judicial interpretations.

The Istanbul Protocol establishes specific rules for dealing with cases involving the torture of minors. Below are some of the most important ones:

- ❖ Torture can affect a child directly or indirectly. When persons in a child's environment are tortured, this inevitably affects the child also.
- ❖ When assessments are carried out, specialists must ensure that the child feels safe; this may require a parent or trusted guardian to be present.
- ❖ Children often express their thoughts and emotions about traumatic events through their behavior rather than verbally.
- ❖ Children's ability to verbalize thoughts and feelings depends primarily on their age and developmental stage; from the age of eight or nine years, children are able to offer a reliable chronology of events.
- ❖ In cases where children of three years and under have experienced or witnessed torture, the carer's protecting and comforting role is crucial.
- ❖ If a child has been physically or sexually assaulted, he/she must be examined by an expert in sexual assault.
- ❖ The symptoms of post-traumatic stress disorder in children may be similar to those in adults, but experts must rely more upon the observation of children's behavior than upon their verbal expression.

Experts examining minors must be experienced in dealing with children and adolescents.

PROCEEDINGS

INQUISITORIAL SYSTEM / ADVERSARIAL SYSTEM

1. LAUNCH OF THE INVESTIGATION

1.1 KNOWLEDGE OF TORTURE

1.1.1 The investigation is launched when the criminal act is notified to the Public Prosecutor's Office, which can occur via the following means:

- Report by the victim, or any person, body or organization which assumes that the crime of torture has been committed;
- Automatically, in the form of police reports, judiciary proceedings, or any other official communication.

1.1.2 When a person in the custody of the State exhibits signs of having been subjected to torture, an investigation must be launched automatically.

1.1.3 For the purposes of criminal proceedings, if the burden of proof is reversed to the State in torture cases, this must be considered to be criminal notification.

1.2 REPORTS BY MINORS

Inquisitorial: In the case of persons aged less than eighteen years, the complaint may be lodged by the legal parents or guardians or their legal representatives, without prejudice to the minors' ability to lodge the complaint themselves, and through their siblings or a third party when crimes are perpetrated against them by their legal parents or guardians or their own representatives.

Adversarial: When crimes are perpetrated against minors aged over sixteen years, complaints may be lodged by the minors themselves or by those with the authority to do so. In the case of younger minors and other legally incapacitated persons, complaints must be lodged by legal parents or guardians.

1.3 SUBMISSION TO THE SPECIALIZED DEPARTMENT

1.3.1 If the Public Prosecutor's Office which receives the report or complaint does not fall under the specialized department for the investigation of torture, it shall forward it to that department.

1.3.2 It must be ensured that the Public Prosecutor's Office to which the file is submitted has not been identified in the complaint as an alleged perpetrator of the crime and has no direct link to the officer identified as the potential perpetrator of the act of torture.

1.4 INITIAL CLASSIFICATION

1.4.1 Upon receipt of the criminal notification, the Public Prosecutor's Office shall initially classify the acts as torture for the purposes of investigation, and identify any other crimes which may have been committed, in the case of conceptual or factual concurrence (rape, sexual abuse, abuse of authority, homicide, etc.).

1.5 REGISTRATION IN THE INFORMATION SYSTEM

1.5.1 Each Attorney-General's Office shall have a Torture Information System in which the following information shall be recorded:

- Preliminary Inquiry Number or investigation file number
- Filing date
- Name of victim
- Name of complainant
- Alleged perpetrator
- Victim's place of detention (if deprived of his/her liberty) or domicile
- Crime(s)
- Place where the acts were perpetrated
- Summary of the acts
- Case status
- Eligibility for the Expert Medical and Psychological Report for the Effective Investigation and Documentation of Torture
- Institution and persons who carried out the Expert Report
- Findings of the Expert Report
- Victim assistance measures
- Decision
- Decision date

1.5.2 This information must be constantly updated until the file is closed.

1.5.3 In the interests of victim protection, each Public Prosecutor's Office shall have access to information regarding only their files; the only officials to have unrestricted access shall be those responsible for system administration and designated staff of the human rights department.

2. INVESTIGATION STRATEGY

2.1 ALLOTTED TIME

2.1.1 This strategy should be executed in less than two hours.

2.1.2 The aim is to analyze the information received to date so as to lead the investigation more effectively.

2.1.3 This analysis will allow missing information to be identified and subsequently requested (see “Evidence” below).

2.2 DEFINING THE MATTER FOR INVESTIGATION

2.2.1 The questions presented in this non-exhaustive list will allow the matter for investigation to be determined.

Victim:

- + Is the victim a minor?
- + Does the victim have any disabilities?
- + Is the victim a migrant?
- + Does the victim belong to an indigenous community?
- + Has the victim reached the age of majority?
- + Has the victim been deprived of his/her liberty? If so, where?
- + If the victim has not been deprived of his/her liberty, can he/she be located?
- + Is the victim alive?
- + Is the victim a member of a vulnerable group?
- + Is the victim at risk?
- + What physical and psychological pain and suffering is reported in the complaint?
- + Did sexual assault take place?
- + What is the victim's current physical and psychological condition?
- + Does the victim require immediate attention?
- + Has the victim received a medical examination?
- + What health records exist for the victim?
- + Are there any indirect or potential victims?

Accused:

- + Is the alleged perpetrator a civil servant?
- + If so, which department does he/she work for?
- + Is he/she able to inflict harm on the victim?
- + Is he/she able to obtain information about the torture investigation?
- + Can he/she be located?
- + Is he/she in direct contact with the victim?

Witnesses:

- # Did anyone witness the events in question?
- # What is their relationship with the victim?
- # Can the witnesses be located?
- # What measures must be adopted to avoid placing them at risk?

Background:

- # What circumstances are in place in the federative entity in which the acts have been reported?
- # Can police or military personnel be found in the streets?
- # How frequently are reports of abuse of authority by these bodies received in the place where the crime took place?
- # How many recommendations have been issued by the National Human Rights Commission or international bodies regarding the territory where the acts have been reported?

Documentation:

- # What documentation is available: photographs, statements, videos, expert reports, complaint from a National Human Rights Institution?
- # If the victim is an alleged perpetrator in another investigation, was an examination carried out during the Preliminary Inquiry?
- # What official records exist regarding the victim's detention and the conditions in which he/she is detained?
- # Has there been a confession?
- # Have statements been given by civil servants other than the alleged perpetrator (police officers, lawyers, attorneys, doctors, etc.)?

Time, place, and method:

- # Where was the act of torture committed?
- # Was it committed in several places?
- # On what date and at what time did the torture take place?
- # What weapons or other objects were used?

Detention (only if the victim is in detention):

- # How was the detention carried out? Are there any details about it?
- # In what vehicle was the victim transported? To which body did it belong?
- # How long did the initial detention last?
- # Was the victim detained *in flagrante delicto* or as an urgent case?
- # Has the detention been deemed legal?
- # What information appears in the register of detained persons?
- # Is the report logical, and does it tally with the events? Does this correspond to the accounts of the victim, witnesses, and other civil servants?
- # Were several authorities involved in the detention? Are there reports in the file?
- # Are there records of the detention online?
- # Are there videos or cameras in the place of detention? From whom can these be requested?

2.3 MISSING INFORMATION TO BE GATHERED

2.3.1 The answers to the questions in the investigation should allow the Public Prosecutor's Office to determine from the outset what information has yet to be gathered before establishing culpability and the facts and circumstances of the crime, to which sources of information it must have recourse, by when it will obtain the information required, and what staff it will need in order to do this.

2.4 INVESTIGATIVE HYPOTHESES

2.4.1 Hypotheses are conjecture as to what occurred which will set out the steps to be followed over the course of the investigation. They are developed by analyzing and comparing the available information to make assumptions about what may have occurred, selecting the most credible and plausible explanation on the basis of preliminary evidence. On the basis of these hypotheses, the lines of investigation shall be drawn.

2.5 PLANNING THE INQUIRIES

2.5.1 Once the matter for investigation, missing information, hypotheses, and information sources have been determined, the Public Prosecutor's Office shall establish the inquiries to be carried out, in order of importance:

- ✚ Victim: Locate; interview; carry out physical and psychological examination; assess risk; and, where appropriate, offer protection.
- ✚ Evidence: Request information from authorities; inspect the scene of the crime; interview witnesses; expert reports; statement by the alleged perpetrator(s).
- ✚ Request the Expert Medical and Psychological Report.
- ✚ Decision: Analyze the evidence; classify or reclassify the crime; set damage reparation; file or charge;

2.5.2 The Public Prosecutor's Office should, as part of its investigation strategy, define the order in which the inquiries should be carried out, prioritizing those which seek to protect victims in situations of risk and the recovery of time-sensitive evidence.

2.6 ALLOCATION OF TIME AND STAFF

2.6.1 All staff involved in inquiries relating to investigations shall follow a specially designed training program in how to enforce this Protocol with a view to increasing their knowledge of the field.

2.6.2 Staff must ensure that they treat victims with dignity and that their rights are respected at all times.

2.6.3 Staff shall be assigned on the basis of victims' needs; if, for instance, the victim is a woman, the Public Prosecutor's Office shall request that a woman examine her. If he/she does not speak Spanish, the Public Prosecutor's Office must have recourse to an interpreter-translator; in the case of children and adolescents, the support of a child specialist should be sought.

2.6.4 The Public Prosecutor's Office shall form the investigation team bearing the above considerations in mind, and shall then review the investigation strategy step by step, allocate timings, and assign responsibilities.

2.6.5 Staff who become involved in the investigation must study the documents which have been included in the file to date.

3. LOCATING AND ASSISTING THE VICTIM

3.1 LOCATING THE VICTIM

3.1.1 If the victim cannot be located, the Public Prosecutor's Office shall ask the Judicial Police to locate him/her.

3.1.2 Once the person has been located, the Judicial Police shall deliver a summons for him/her to appear before the Public Prosecutor's Office, explaining the importance of his/her appearing on the appointed date so that the physical examination can be carried out and a statement given immediately so as to gather the missing information.

3.1.3 At no point must the Judicial Police interview the victim.

3.1.4 If the victim is not located, the investigation is not filed; it continues.

3.2 PHYSICAL AND PSYCHOLOGICAL EXAMINATION

3.2.1 If the victim reported the torture as the alleged perpetrator of a crime, the Public Prosecutor's Office should ask its counterpart for the physical and psychological report carried out as part of the Preliminary Inquiry or investigation file for that crime, as well as the person's statement.

3.2.2 The Public Prosecutor's Office should also ask the experts in the relevant department to carry out an in-depth physical and psychological examination so that all visible and psychological injuries might be duly recorded.

3.2.3 The experts in charge of the examination shall inform the victim at length of the procedures to be followed, the information to be gathered, and the importance of carrying out this examination as part of the evidence to be collected.

3.2.4 If the victim agrees to the examination, the experts shall request that he/she sign a declaration of informed consent.

3.2.5 If the person is in a health institution, a detention center or some other location which he/she cannot leave, the experts shall inform the Public Prosecutor's Office of this so that, through it, the competent authority might grant access to the victim for the purpose of carrying out the examination.

3.2.6 This examination, carried out by a doctor, will provide information about the physical condition of the person at the beginning of the investigation; thus, if the Expert Medical and Psychological Report is not completed within the first few days, there shall be a prior report on the injuries with which the victim presented, where applicable.

3.2.7 Under no circumstances shall the examination replace the Expert Medical and Psychological Report, unless the examination proves that there was physical and psychological pain and suffering consistent with torture, in which case the Expert Report is not necessary.

3.2.8 The doctor must record the injuries in the file using photographs, videos or special expert analysis.

3.2.9 If the person has been deprived of their liberty, the examination must take place in the medical facilities of the detention center, in a place where the victim can be granted privacy.

3.2.10 If the victim is a woman, the Public Prosecutor's Office shall assign female medical staff for the examination. If the victim is a child, a pediatric specialist shall be assigned, and he/she shall be required to follow the guidelines established in the policies on minors. If the victim does not speak Spanish, an interpreter must be present (with the victim's consent). If the person has a disability, the doctor must ensure that disability-appropriate assistance is provided.

3.2.11 The expert assigned by the relevant services shall assess the aspect of the victim in which he/she is an expert, ensuring that the victim's physical and mental health are protected, without discriminating against or stigmatizing the person in question. No questioning should affect the person's physical or mental condition. If the person is suspected or accused of a crime, the doctor must ask nothing about this unless the conditions in which the victim is detained were affecting his/her physical or mental health.

3.2.12 If the person presents injuries, the expert shall make a detailed note of the treatment(s) required in the conclusions of the medical examination. On the basis of the treatment prescribed, the Public Prosecutor's Office shall send a communication to the detention center (if the victim has been deprived of his/her liberty), hospital (if he/she has been admitted), or to the appropriate Health Department so that he/she receives immediate assistance.

3.3 HEARING WITH THE VICTIM

3.3.1 In cases where the victim requests that the hearing be held in a location other than that stated in the summons, which may be the case for a number of reasons (insufficient economic means, fear, deprivation of liberty, disability, etc.), the procedure shall take place in a location of the victim's choosing.

3.3.2 Before the hearing begins, the Public Prosecutor's Office shall read out to the victim all the rights to which he/she is entitled pursuant to these rules and explain in detail the procedures to be carried out to investigate the acts.

3.3.3 If the victim so wishes, he/she may request that an attorney, legal advisor or trusted individual be present at the hearing.

3.3.4 So as to prevent the victim from having to relive the act of torture multiple times (during the medical examination, hearing, and Expert Medical and Psychological Report), the Public Prosecutor's Office shall gather from the victim solely information and evidence which other procedures cannot provide.

3.3.5 Information allowing reparation to be determined is crucial.

3.4 RISK ASSESSMENT

3.4.1 The Public Prosecutor's Office must use the statement to garner the details necessary to assess the risk affecting the direct victim, but also any indirect and potential victims.

3.4.2 Victim risk assessment involves analyzing the security situation and the victim's physical and mental health. The following are some guiding questions to assist in assessing the level of risk.

- ✚ Has the person received any threats? If so, how many? What did the threats say? How were they received?
- ✚ Have unsafe situations arisen near the victim's domicile?
- ✚ If the person has been deprived of his/her liberty, is a transfer to alternative housing or another detention center necessary?
- ✚ Can the alleged perpetrator have access to the victim, or is he/she a member of the victim's family? Is a restraining order necessary?
- ✚ Who precisely may be at risk?

- ✚ Is the victim's physical or mental health deteriorating?
- ✚ Are any children at risk?
- ✚ Is the victim pregnant?

3.4.3 Victims may be exposed to other risks, due to the act of torture, which call for the adoption of the measures provided for in the General Law on Victims, such as:

- ◆ Immediate assistance: emergency medical, psychiatric, psychological, dental, surgical, and hospital services: shall be provided by Federal, State and municipal public hospital facilities;
- ◆ Housing and assistance: fall within the remit of the National System for Integral Family Development (SNDIF);
- ◆ Transportation: this means expenses for victims to return to their place of residence, to be covered by the authority that is providing initial assistance to them;
- ◆ Legal advice: relating to information and advice about judicial, administrative or other resources and procedures;
- ◆ Support and care: relating to education; covered by education units, departments, institutions and bodies;
- ◆ Economy and development: measures in the fields of education, health, food, housing, environment, work, and social security shall be managed by the authority that is providing initial assistance to the victims and taken by the competent authorities in those fields through government programs.
- ◆ Reparation: this means that restitution of rights, rehabilitation, compensation, satisfaction, and guarantees of non-repetition should be managed by the authority providing initial assistance. As torture is both a crime and a human rights violation, compliance falls to the perpetrator or, failing this, to the State where the victims of the crime are concerned, while reparation for the victims of human rights violations falls to the violating authority, pursuant to the strict and direct liability of the State.

3.4.4 Protection measures fall within the remit of the Public Prosecutor's Office, while other measures shall be managed jointly by the Public Prosecutor's Office and the competent authorities.

3.4.5 It should be noted that the General Law on Victims applies to the three levels of government and the three branches of power, along with any office, department, body or public or private institution responsible for victim protection and providing or managing assistance or support.

4. EVIDENCE

4.1 REQUEST FOR AUTHORITIES TO PROVIDE INFORMATION

4.1.1 Written, audio, and video evidence in the possession of the authorities or individuals should be collected as a matter of urgency so that it does not deteriorate or disappear and is not deleted or hidden.

4.1.2 Some of the important records to consult are as follows; the list is not exhaustive.

- ✚ Records relating to detention and custody (if the victim has been detained):
 - Record of detention
 - Police statement or report
 - Information regarding the vehicle in which the victim was transported
 - Detention *in flagrante delicto* or on the grounds of an urgent case
 - Document attesting to the legality of the detention
 - Video and audio material from the detention center
 - Services log (logbooks)
 - Log of operations or checks which include service provided, weapon, and vehicle assigned
 - Information about arms which tallies with the characteristics mentioned by the victim or witnesses
 - Characteristics and description of uniforms and badges
 - Time in detention before questioning
 - Statements of admission to detention centers
 - Initial statement
 - Physical and other examinations carried out on the victim; police statement or report

- ✚ Documentation kept by public human rights bodies, for open complaints.

- ✚ Records of civil servants identified as alleged perpetrators:
 - Record of joining the department
 - Photograph albums
 - Kardex and/or personal file

4.2 INSPECTION OF THE CRIME SCENE

4.2.1 The Public Prosecutor's Office requests the Judicial Police to gather information as per the requirements identified in the investigation strategy (evidence from the crime scene and relating to the alleged perpetrators, witness interviews, expert reports, etc.); in so doing, it must not make contact with the victim.

4.2.2 The Judicial Police drafts a report immediately after its inspection, fulfilling all the information requests submitted by the Public Prosecutor's Office.

4.2.3 The inspection is an investigation of the state in which the scenes, objects, tools or proceeds of the crime are found.

4.2.4 If the victim remains in a place of detention, the Public Prosecutor's Office must guarantee his/her safety, ensuring that those identified as suspects/accused cannot inflict any physical or psychological harm upon him/her.

4.2.5 The Public Prosecutor's Office shall request the support of the expert services and the Judicial Police when inspecting the crime scene.

4.2.6 When an inspection is carried out, the Judicial Police shall interview those who are present at the scene and may be able to provide useful information which could shed light on the crime.

4.2.7 There is a need to protect the crime scene, draw up observations, inventories, and descriptions of what is found there, and take photographs, make drawings, sketches, and site surveys, and flag up evidence.

4.2.8 Experts must identify, document, collect, and package evidence before handing it over to the Judicial Police, with the chain of custody record duly completed, in line with legal requirements.

4.2.9 The handling of evidence must be described in a custody chain record, noting who was involved, the state of the objects and individuals, and the evidence collected or objects secured, as well as measures taken to safeguard them and deliver them to the Public Prosecutor's Office.

4.2.10 The Judicial Police receives the packaged evidence and hands it over to the expert services for examination in accordance with the requests of the Public Prosecutor's Office.

4.2.11 The Public Prosecutor's Office shall request that the authorities identified as alleged perpetrators, either in the complaint or through information collected, distance themselves from the investigation.

4.3 WITNESS INTERVIEWS

4.3.1 The Public Prosecutor's Office shall ask the Judicial Police to interview the witnesses to ascertain whether they have information that can be garnered in a judicial statement.

4.3.2 When the Judicial Police makes contact with such persons, it shall explain why the inquiries are necessary and what is going to happen.

4.3.3 Both the Public Prosecutor's Office and the Judicial Police must ensure that victims and witnesses are not subjected to any intimidation as a result of the investigation.

4.3.4 Persons who are in some kind of vulnerable situation due either to their circumstances or to their having witnessed the crime shall be interviewed directly by the Public Prosecutor's Office with appropriate expert assistance, e.g.:

- ✚ Children and adolescents: must be dealt with by psychologists specializing in children and torture cases;
- ✚ With persons deprived of their liberty, the Public Prosecutor's Office must first ensure that they are not exposed to any kind of risk;
- ✚ Pregnant women: the Public Prosecutor's Office must ensure that medical/psychological staff are present for the interview;
- ✚ Non-Spanish-speaking persons: an interpreter must be present;
- ✚ Migrants: consulate staff must be present.

4.3.5 In the summons, the Public Prosecutor's Office must specify the capacity in which the summoned person is to appear and allow them to be accompanied by a legal representative or trusted individual if they deem this to be in line with their interests.

4.4.1 Evidence can be collected, *inter alia*, at the crime scene, in locations where the victim was held in custody following detention, and in the interview with victims and witnesses (identikits, clothing, etc.). When all this evidence is being collected, due attention must be paid to the chain of custody record.

4.4.2 In addition to the expert analysis carried out on the findings of the examination of the victim and, where applicable, the alleged perpetrator, and those of the Expert Medical and Psychological Report, the Public Prosecutor's Office may request that

the Expert Services report on the following, in line with the evidence collected:

- ✦ Forensic ballistics
- ✦ Technical ballistic inspections at the crime scene
- ✦ Luminol Test
- ✦ Comparative studies of projectiles and bullet casings
- ✦ Fingerprinting
- ✦ Physical and chemical tests
- ✦ Forensic photographs
- ✦ Identikits
- ✦ Forensic dentistry
- ✦ Toxicology
- ✦ Psychiatry

4.4.3 The Public Prosecutor's Office shall accredit independent experts in the Preliminary Inquiry or investigation file or, if an expert report has already been produced, it shall include it as another piece of evidence for subsequent examination, as with government expert reports.

4.5 STATEMENT BY THE SUSPECT/ACCUSED

4.5.1 Before the statement is made, the Public Prosecutor's Office shall read out to the suspect/accused all the rights to which he/she is entitled pursuant to our domestic legislation.

4.5.2 The Public Prosecutor's Office shall explain to the individual that he/she must have a public defense counsel or his/her own attorney; if he/she does not have an attorney, the Public Prosecutor's Office shall assign a public defense counsel.

4.5.3 The Public Prosecutor's Office ensures that the rights of the suspect/accused are respected. To this end, it drafts a form which must be signed by the defense and any persons offering assistance in the form translation or interpretation, where applicable, or legal guardians or representatives, where required. The rights of the individual are listed on this form, and once the parties involved are aware of these, the form must be signed.

4.5.4 Before taking the statement, the Public Prosecutor's Office shall request that the expert services carry out a physical and psychological examination.

5. MEDICAL AND PSYCHOLOGICAL REPORT

5.1 IMPORTANCE OF THE REPORT

5.1.1 The Expert Medical and Psychological Report is an examination carried out by medical and psychological experts following the Istanbul Protocol, which is a manual developed for the specific purposes of investigating and documenting torture.

5.1.2 The decision whether or not to conduct an Expert Medical and Psychological Report shall depend on what evidence has hitherto been collected by the Public Prosecutor's Office. If this is sufficient to prove torture and establish reparation measures, the Expert Report shall not be mandated, as carrying it out requires the victim to relive the act of torture.

5.1.3 If an Expert Medical and Psychological Report has been produced by a public human rights body or independent medical/psychological experts, the Public Prosecutor's Office shall use this as evidence.

5.1.4 If the Expert Report is deemed necessary, the Public Prosecutor's Office shall ask the victim if he/she wants it to be carried out. The individual can decide whether it is to be carried out by government or independent experts accredited by the Public Prosecutor's Office in the Preliminary Inquiry or investigation file.

5.1.5 If the victim agrees to an Expert Report carried out by government experts, the Public Prosecutor's Office shall pay attention to the following points:

- ✚ If the victim is a minor, his/her parents, guardian or legal representative should be present for the signing of informed consent.
- ✚ If the person is a migrant, the Public Prosecutor's Office shall inform him/her of his/her right to communicate with the consular authorities, assist him/her in so doing, and allow the authorities to be represented at the proceedings should the victim desire this.
- ✚ If the victim does not speak Spanish, the Public Prosecutor's Office shall provide an expert translator/interpreter.
- ✚ If the victim is a woman, the Public Prosecutor's Office shall request that female experts carry out the Expert Report; if she is pregnant, a gynecologist shall be present.
- ✚ For disabled persons, the Public Prosecutor's Office must ensure accessibility and provide whichever technological facilities are required for them to obtain the

information requested in comprehensible form or, failing this, provide someone who is able to communicate with them.

- ✚ If the victim is a person with a mental disability, a psychiatrist shall be called to attend the Expert Report.

5.2 TIME PERIOD FOR CARRYING OUT THE REPORT

5.2.1 If it is decided that the Expert Report is to be carried out, this should take place as soon as possible (the Istanbul Protocol states that it should be within six weeks of the act of torture), so as to record the pain and suffering caused by the torture shortly after the event.

5.2.2 This does not mean that if more than six weeks have elapsed torture cannot be proven, for it always leaves sequelae; however, some physical injuries will be less obvious.

5.3 REPORTS BY INDEPENDENT EXPERTS OR PUBLIC HUMAN RIGHTS BODIES

5.3.1 If no staff of the expert services are available to carry out the Report within a reasonable time frame (one week, for instance), the Public Prosecutor's Office must call upon individual experts or the relevant public human rights body to carry it out in their stead.

5.3.2 The Public Prosecutor's Office shall accredit the independent experts or experts of public human rights bodies during the Preliminary Inquiry or in the investigation file.

5.3.3 If an expert report has already been produced, it shall be attached to the file as another piece of evidence for subsequent evaluation, as with government expert reports.

5.4 INFORMED CONSENT

5.4.1 The medical expert and psychologist explain clearly and in plain language what type of clinical examination is to take place, and in particular what its aim is, how many parts it comprises, the approximate time required for it, how many sections will make up the report, who will carry out each part, how the data obtained about the person's health are to be used and kept, and who will have access to them, and shall respond to any questions from the subject.

5.4.2 Specific informed consent must be obtained prior to examining the urogenital apparatus.

5.4.3 Regardless of whether the person has signed the informed consent form, he/she may withdraw it at any point in the examination.

5.4.4 The experts must make sure that the victim and/or witnesses are not refusing the Expert Report due to pressure, threats or intimidating behavior against them.

5.4.5 If this is the case, the Public Prosecutor's Office shall be notified so that other means of proof can be found to constitute firm evidence without putting the victim and/or witnesses at risk.

5.4.6 In all cases where information given to victims is erroneous or false, the informed consent obtained from them shall be null and void.

5.5 EXPERTS' PREPARATION

5.5.1 If the person authorizes government experts to carry out the Expert Report, the Public Prosecutor's Office shall ask the expert services department to assign a doctor and a psychologist with the profile required to meet the specific needs of the victims.

5.5.2 The medical and psychological experts shall read the file to familiarize themselves with information that will allow them better to treat the victim.

5.5.3 During the Expert Report, the experts shall take note of evidence which can be documented, collected, and even preserved relating to torture, which will serve to identify the pain, suffering, harm or injury caused to the victim.

5.5.4 The medical and psychological experts shall verify the physical environment and security conditions, for which purpose they shall visit the location indicated by the Public Prosecutor's Office early enough to be able to assess these aspects.

5.5.5 An appropriate setting for the Expert Report is one which is private (completely closed), properly lit, safe, and comfortable, offering an appropriate temperature and access to health facilities, and which does not replicate the location where the torture took place.

5.5.6 If such an environment does not exist, the expert shall ask the Public Prosecutor's Office to order the appropriate party to create it.

5.5.7 If, due to the conditions in the victim's location, it proves materially impossible to create a space in which to carry out the Expert Report that meets the desirable criteria outlined above, the expert shall consider the possibility of proceeding in such space as is available, provided that privacy and safety can be guaranteed for the subject.

5.5.8 If an arrest warrant or indictment has been issued, the expert services of a public body or independent medical/psychological experts shall be called upon to carry out the Expert Report, subject to professional secrecy, so that the location of the victim does not have to be revealed. For this purpose, the public human rights body or independent medical/psychological experts must contact the victim's defense to carry out the Expert Report.

5.5.9 Once the criteria for the location of the Expert Report have been fulfilled, the expert plans the logistics along with a multidisciplinary team, paying attention to the particular circumstances of the case, such as, for instance, if the victim is in distress.

5.6 GENERAL CONSIDERATIONS

5.6.1 The experts must put neutral, and not leading, questions to the victim, that is to say questions which do not involve assumptions or prior conclusions, so that the person being interviewed offers the most exhaustive and objective account possible.

5.6.2 Questions based on lists should be avoided, as these can lead the person being interviewed to give imprecise responses if what actually occurred does not correspond precisely to one of the options being offered.

5.6.3 The experts carrying out the Expert Report must encourage the person to use all his/her senses to describe what happened; to this end, they must ask what he/she saw, smelt, heard, felt, and touched.

5.6.4 The medical and psychological experts must ensure that the person understands the examination which is to be carried out.

5.6.5 If the victim is in distress, the work of the psychological expert shall be prioritized and, if necessary or advisable for the victim's wellbeing, the interview may be suspended and a new date set.

5.6.6 If the victim is a child or adolescent, he/she shall be examined by a pediatrician specialized in dealing with minors who have suffered or witnessed torture, and shall follow, *inter alia*, the guidelines established in the policies on minors set out in this Protocol.

5.6.7 The experts shall use photographs to complement the documentation of the physical state of the person. It should be borne in mind that instant prints may fade over time. Professional photographs are preferable; these must be taken when the necessary equipment is available. Cameras which automatically record the date must be used.

5.6.8 Every detail of the chain of custody shall be documented through the photographic record.

5.6.9 If the experts call for diagnostic tests and/or consultations, they shall submit a request to the Public Prosecutor's Office, which must answer the request.

5.7 MEDICAL EXAMINATION

5.7.1 The medical assessment is carried out with the following aims:

- Identify whether the history of physical symptoms and acute and chronic incapacity is consistent with the allegations of abuse.
- Identify whether the findings of the physical examination are consistent with the allegations of abuse.
- Identify whether the physical findings in the individual correspond to his/her knowledge of methods of torture used in a particular region and their common effects further down the line.

5.7.2 The doctor shall take note of the date and time at which the medical examination began. The person shall then be asked to provide: personal data including name, age, civil status, place of birth, occupation, and level of education; personal medical history, that is to say medical history of trauma, surgery, and, where applicable, obstetric and gynecological treatment; where applicable, treatment currently prescribed, if the person is taking medication.

5.7.3 The doctor shall assess: the person's state of mind: orientation in terms of time, place, and person; memory, concentration, language, consistency, coherence, fluency; comprehension, repetition, tone, whether the breath smells of alcohol or solvents, among other things, attitude, facial expression, and gait.

5.7.4 The doctor shall assess the person's vital signs; he/she shall also examine neuromuscular coordination. If, during the examination, the person presents an acute complaint such as: bleeding, acute abdomen, or aggravation of a chronic condition such as arterial hypertension, diabetes mellitus or epilepsy, which could endanger his/her physical integrity or his/her life, the doctor shall provide whatever first aid is possible and immediately notify the relevant authority in writing so that it can request and facilitate a transfer to an appropriate hospital facility.

5.7.5 The medical expert carries out the physical examination using the relevant equipment. He/she shall conduct a full examination, including the genital area and the gluteal region.

5.7.6 If the doctor discovers injuries caused by torture, he/she shall describe their general characteristics, take photographs, and immediately inform the Public Prosecutor's Office so that it can instigate the necessary investigations in a timely fashion, without prejudice to any medical attention that needs to be provided.

5.8 PSYCHOLOGICAL EXAMINATION

5.8.1 The psychological examination is carried out with the following aims:

- To identify the degree of consistency between the psychological findings and the description of alleged torture.
- To assess whether the psychological signs encountered are expected or typical reactions to extreme stress given the subject's social and cultural background.
- To detail ongoing fluctuations in the subject's state over the course of the post-traumatic mental health disorders experienced; that is, what is the temporal framework for the torture events and where is the subject in his/her recovery process at present?
- To identify any concurrent element of stress which may be exerting an influence upon the subject (for instance, ongoing persecution, forced migration, exile, loss of role in family and society, etc.), as well as the impact which such influences may be having on the subject.
- To outline the physical conditions which may contribute to the clinical situation, particularly regarding potential signs of cranial trauma sustained during torture or detention.

5.8.2 The psychological expert carries out the interview bearing in mind that what is deemed disturbed or pathological behavior in one culture may not be considered abnormal in another, and psychological evaluation must therefore take into account differences between social, political, and cultural backgrounds.

5.8.3 If the expert has no knowledge of the victim's cultural background, it may even be possible to request the assistance of an interpreter or facilitator to ensure that he/she can understand the subject's social environment, which may mean that pain or suffering which does not appear serious on initial interpretation takes on a particular degree of seriousness when comprehended through the prism of the victim's personal traits and environment.

5.8.4 The psychological expert must strive to establish a link between the mental suffering and the victim's background in terms of beliefs and cultural norms, which includes paying heed to political background, culture, and religious beliefs.

5.8.5 When carrying out a psychological assessment of a torture victim, the expert should not arrive at a rushed diagnosis or decision; it is preferable to convey to the victim the notion that his/her complaints and suffering are recognized as real and unsurprising under the circumstances. In this sense, empathy and sensitivity can afford the victim a sense of relief following his/her ordeal.

5.8.6 The most common psychological reactions, though not the only ones observed, are reliving the act of torture; emotional avoidance and numbness, hyperactivity (anxiety, irritability, and concentration problems, among others), symptoms of depression, reduced self-esteem and despair about the future, dissociation, depersonalization, and atypical behavior, psychosomatic complaints, sexual dysfunction, psychosis, substance abuse, and neuropsychological deterioration.

5.9 JOINT REPORT: OVERALL ANALYSIS OF RESULTS

5.9.1 The experts formulate their conclusions and, where appropriate, recommendations or measures for treating the victim's potential complaints resulting from torture that require immediate medical attention.

5.9.2 To establish a clinical impression with a view to drafting a report on the physical and psychological signs of torture, five key questions must be asked:

- ✚ Is there a link between the physical and psychological signs encountered and the report of alleged torture?
 - ✚ What physical conditions are contributing to the clinical picture?
 - ✚ Are the psychological signs encountered those which it would be usual to express in, or typical reactions to, a maximum level of stress given the individual's cultural and social background?
 - ✚ Given the fluctuations which post-traumatic mental health disorders undergo over time, how does the individual's chronology fit in with the acts of torture? Where in his/her recovery process is the subject at present?
 - ✚ Which other stress factors affect the subject (for instance, ongoing persecution, forced migration, exile, loss of role in family and society, etc.)? What impact do these factors have on the victim?
- Furthermore, the following elements should be assessed:
- ✚ Clinical and psychiatric history predating the torture case, and substance use and abuse
 - ✚ Torture allegations
 - ✚ Physical symptoms and disabilities
 - ✚ Means of reparation

5.9.3 The medical and psychological experts shall compare the information garnered from the Expert Report and the injury report.

5.9.4 The experts shall note the constraints encountered during the assessment.

5.9.5 The Expert Report must contain the sections laid out in the Expert Medical and Psychological Report Form, which can be found at the end of this document in the “Forms” section.

5.9.6 On completing their work, the experts sign the Expert Report and deliver it to the Public Prosecutor’s Office, which shall then sign it received.

5.9.7 On delivering the Expert Report, the expert must ensure that it contains the signatures of all experts involved, along with their specialty. The Expert Report must be printed on security paper, in soluble ink, and using a single numbered sheet for each form.

5.9.8 In the case of independent medical or psychological expert reports, the Expert Report shall be approved before a Public Prosecutor’s Office to bring the reports produced by the expert services of the Attorney-Generals’ Offices in line with the provisions of the respective Attorney-General’s Office or prosecutor’s office.

5.9.9 The original form shall be printed on white paper, and four copies shall be printed on blue, yellow, pink, and green paper, so that each of these can be delivered to its respective recipient:

- Blue for the victim;
- Yellow for the expert services;
- Green for the human resources department of the Attorney-General’s Office or prosecutor’s office;
- Pink for the National Human Rights Commission, State Commission or Executive Commission for Victim Assistance, should they require a copy.

5.9.10 The Public Prosecutor’s Office adds the original Expert Report form to the Preliminary Inquiry file or investigation file.

5.9.11 The Public Prosecutor’s Office shall ensure that the investigating agents identified as alleged perpetrators do not have access to or receive copies of the Expert Report.

6.1 ANALYSIS OF THE EVIDENCE

6.1.1 In both procedural systems, the means of proof used in the Preliminary Inquiry or the initial or complementary investigation acquire the status of evidence only after being processed, be it at the taking of evidence in the traditional system or at the trial hearing in the adversarial system. The means of proof used are valid as evidence only for the Public Prosecutor’s Office to take criminal action or formulate charges.

6.1.2 The means of proof allow the Public Prosecutor's Office to confirm the crime and the culpability of the accused, and subsequently decide whether or not criminal action is to be taken.

6.1.3 Whether the crime is punishable depends on whether there was attempt, perpetration, participation or omission in the case of each of the persons who may have been involved in the acts.

6.2 CLASSIFICATION OR RECLASSIFICATION OF THE CRIME

6.2.1 It should be recalled that the crime of torture applies when physical or psychological pain or suffering is intentionally inflicted upon a person by a civil servant who has ordered it, instigated it, incited it, directly carried it out, or not prevented it when he/she was able to do so, or by an individual who does this with the acquiescence of civil servants. The seriousness depends on the degree of vulnerability or risk of the victim.

6.2.2 In no case can the Public Prosecutor's Office reclassify behavior identified as torture in cases where the criteria for the crime are fulfilled, if the sequelae of the act of torture take more than two weeks to heal, or one of the aggravating factors for the crime of inflicting bodily harm is present.

6.2.3 In cases where the physical injuries take less than two weeks to heal, the Public Prosecutor's Office must take into account the psychological effect upon the victim and factors endogenous and exogenous to torture, including the differential impact of the acts which caused the pain or suffering and the risk of death for the victim or third parties with whom the act was committed.

6.2.4 In cases where the acts do not fulfill the necessary criteria for classification as torture but it is established that the victim underwent pain or suffering of which the authorities were the cause, the Public Prosecutor's Office shall reclassify this conduct as various crimes which can apply concurrently (abuse of authority, bodily harm, etc.) and order the appropriate action.

6.3 REPARATION

6.3.1 The Public Prosecutor's Office must request reparation and present the evidence to the judicial authority.

6.3.2 The General Law on Victims provides that victims of crimes have the right to timely, complete, differentiated, material, comprehensive, and effective reparation for the pain inflicted, including the following types of measure:

- ✚ Restitution: seeks to restore the victim's situation prior to the act;
- ✚ Rehabilitation: seeks to assist the victim in facing the effects caused by the crime or human rights violations;
- ✚ Compensation: must be granted in a way that is appropriate and proportional to the gravity of the crime, taking into account the victims' circumstances.
- ✚ This shall be granted on the basis of all the damage, suffering, and economically assessable damages arising from the crime or human rights violation (moral damage, damage to integrity, loss of earnings, consequential damage, and legal fees and costs);
- ✚ Satisfaction: seeks to acknowledge and restore the victims' dignity;
- ✚ Non-repetition: seeks to ensure that the punishable act or the rights violation suffered by the victim does not recur.

6.3.3 With all reparation measures, the victim's circumstances and condition must be taken into account, such as, *inter alia*: if he/she is a minor; if he/she has a disability; if he/she is a migrant; if he/she has reached the age of majority; if he/she has been deprived of his/her liberty, is pregnant, or has been displaced; if he/she is at risk; if he/she suffered sexual assault; and if he/she requires short-, medium-, or long-term medical or psychological treatment.

6.3.4 It should be noted that torture, as well as a crime, is a human rights violation. Pursuant to Article 65 of the General Law on Victims, all victims of human rights violations shall receive compensation in line with the terms and sums set by a resolution handed down by a national judicial body.

6.4 COMMITMENT FOR TRIAL / CHARGES

6.4.1 If the Public Prosecutor's Office confirms the (nature of the) criminal act and the culpability of the suspect/accused, it shall submit the case to the judicial system so that the necessary proceedings can be pursued.

6.4.2 The decision to charge the alleged perpetrator or commit him/her for trial must state the crimes attributed to the accused, their legal classification, and the degree of involvement, as well as the sentences and amount of reparation.

MINIMUM INFORMATION AND SAMPLE FORMS

Below are some “sample forms” used at the Office of the Attorney-General of the Republic, which may serve as templates for the documents required by each Attorney-General’s Office or Public Prosecutor’s Office.

A. INQUISITORIAL CRIMINAL JUSTICE SYSTEM

A.1 RECORD OF INFORMAL DEPOSITION

Identifying information

- Heading with the name of the relevant Deputy Attorney-General's Office
- Heading with the name of the relevant Directorate-General or borough
- Division number
- Date and time
- Federative entity
- Municipality or borough

Content

- Identification of proceeding (record of receipt of the complaint via telephone or internet)
- Name and registration of the public prosecutor
- Authority or person reporting the crime
- Identity and location of the victim (general information)
- Chronology of events (time, place, and method)
- Authority or person accused of the acts of torture

Closing information

- Name and signature of public prosecutor
- Names and signatures of witnesses

SAMPLE



**DEPUTY ATTORNEY-GENERAL'S
OFFICE
BOROUGH (OR
DIRECTORATE-GENERAL
.....)**

DIVISION: _____

RECORD OF INFORMAL DEPOSITION

In the town/city of _____, _____, at _____ hours on the _____ day of the month _____ of the year _____, the undersigned _____, an official of the Federal Prosecutor's Office, acting in accordance with the law with the undersigned witnesses pursuant to Article 16 of the Federal Code of Criminal Procedure -----

----- **WITNESSES THAT:** ----- -On the aforementioned date and at the aforementioned time a complaint was received which had been formulated via _____ in which notice is given of acts which may constitute a crime, these acts being: _____

_____. The following is attached: _____, pursuant to the provisions in Articles 21 and 102 Section A of the Political Constitution of the United Mexican States and Articles 113 and 208 of the Federal Code of Criminal Procedure. The aforementioned events shall thus be analyzed and a decision handed down. -----

----- This document is issued for whatever legal purpose it may serve -----

----- **IN WITNESS THEREOF** -----

(SIGNATURE OF PUBLIC PROSECUTOR)

Witness

Witness

A.2 AGREEMENT TO LAUNCH PRELIMINARY INQUIRY

Initial information

- Heading with the name of the relevant Deputy Attorney-General's Office
- Heading with the name of the relevant Directorate-General or borough
- Sub-borough
- Investigating agency
- Division

Core content

- Identification of proceeding (agree to launch inquiry)
- Place, date, and time
- Authority or person reporting the crime
- Identity and location of the victim (general information)
- Chronology of events (time, place, and method)
- Authority or person accused of the acts of torture
- Legal grounds
- Basic proceedings

Closing information

- Name and signature of public prosecutor
- Name and signature of witnesses

SAMPLE



DEPUTY ATTORNEY-GENERAL'S OFFICE.....

**LOCAL BOROUGH OR
DIRECTORATE-
GENERAL SUB-
BOROUGH**

AGENCY: _____

DIVISION: _____

**AP/PGR/XX/XX (Amend according to each
department's heading)**

AGREEMENT

LAUNCH OF PRELIMINARY INQUIRY

- - - In the town/city of _____, State of _____, at _____ on the _____ of _____,
_____.

----- **RECEIPT IS ACKNOWLEDGED** of the document dated _____ signed
by _____ in his/her capacity as _____, composed of _____ single-sided sheets, said document
being physically present and hereby acknowledged pursuant to Article 208 of the Federal Code of
Criminal Procedure; the document is to be attached to this agreement for whatever legal purpose this
may serve, giving notice of:

- 1. The authority or person reporting the crime;
- 2. The identity and location of the victims;
- 3. Chronology of events;
- 4. Authority or person accused of the acts of torture.

- - - Thus, in accordance with the provisions of Articles 1, 14, 16, 21, and 102 Section A of the
Political Constitution of the United Mexican States; Article 1.8 of the American Convention on Human
Rights ("Pact of San José"); Article 14 of the International Covenant on Civil and Political Rights;
Section 1 of the General Law on Victims; Articles 1, 2, 6, 16, 113, 168, 180, and 206 to 278 ter
(as applicable) of the Federal Code of Criminal Procedure; Article 50 of the Organic Law of the
Judicial Branch of the Federation; Articles 1, 4, 5, 10, 22, and 25 of the Organic Law of the Attorney-
General's Office; Articles 1, 3, 4, 6, and 12 (and the articles relevant to each department) of the
Regulations implementing the Organic Law of the Attorney-General's Office; and Agreements
A/018/01 and A/124/04, issued by the Attorney-General of the Republic, it is: -----

----- **A G R E E D** -----

THAT A RECORD shall be duly made, in the Government Register kept on these premises, of the present proceeding as a Preliminary Inquiry against _____, for the perpetration of the crime of _____, and the following procedures, *inter alia*, shall be carried out and duly included in the file: -----

- 1.- The senior authorities shall be notified of the launch of the present Preliminary Inquiry.-----
- 2.- The SDH, DGV, and SEIDF shall be notified of the launch of the present Preliminary Inquiry.-----
- 3.- A summons shall be served upon _____.
- 4.- A prosecutor's attestation shall be provided by _____.
- 5.- Notice shall be served to the Federal Investigation Service, requesting that it launch an investigation regarding _____.
- 6.- Notice shall be served to the General Coordinator of Expert Services of the Institution so that experts in _____ can be appointed to issue the corresponding report _____.
- 7.- Where appropriate, it shall be ensured that evidence relating to the present file is secured.-----
- 8.- The individual named _____ shall be summoned to appear and make a statement regarding the acts which he/she is alleged to have committed.-----
- 9.- Each and every procedure necessary to shed full light on the events shall be carried out.-----
- 10.- The posts of civil servants _____ (being investigated as alleged perpetrators of the crime of torture) shall be secured.-----
- 11.- To guarantee the rights of the victim, it is ordered that (corresponding protection measure in according with situations of risk for victims, General Law on Victims and Federal Code of Criminal Procedure).-----

----- **I T I S S O A P P R O V E D** -----

- - - Agreed and signed by _____, an official of the Federal Prosecutor's Office, Investigating Division _____, acting in accordance with the law and legally assisted by the two undersigned witnesses pursuant to Article 16 of the Federal Code of Criminal Procedure.-----

----- **A T T E S T E D B Y** -----

WITNESS

WITNESS

- - - On the aforementioned date, the above agreement was implemented and the present Preliminary Inquiry registered with the number _____,-----

----- **IN WITNESS THERE OF** -----

WITNESS

WITNESS

A.3 LETTER OF APPROVAL FOR THE PRELIMINARY INQUIRY

Initial identifying information

- Heading with the name of the issuing Administrative Unit
- Investigating agency
- Division
- Preliminary Inquiry number
- Letter number
- Subject
- Place and date of issue
- Name, function, and address of the recipient authority

Core content

- Legal grounds
- Notice of acceptance of inquiry into acts alleged to constitute the crime of torture

Closing information

- Name and signature of public prosecutor
- Approval of superior
- Address of the issuing administrative unit

SAMPLE



DETAILS OF THE ISSUING AUTHORITY

AGENCY: _____

DIVISION: _____

P.I.: _____

FUNCTION: _____

SUBJECT: Investigation

Mexico City, _____ , _____

DIRECTOR OF THE CRIMINAL INVESTIGATION

AGENCY OR REGIONAL HEAD

ADDRESS

H A N D - D E L I V E R E D .

In accordance with the provisions of Articles 1, 14, 16, 21, and 102 Section A of the Political Constitution of the United Mexican States; Article 1.8 of the American Convention on Human Rights (“Pact of San José”); Article 14 of the International Covenant on Civil and Political Rights; Section 1 of the General Law on Victims; Articles 1, 2, 6, 16, 113, 168, 180, and 206 to 278 ter (as applicable) of the Federal Code of Criminal Procedure; Article 50 of the Organic Law of the Judicial Branch of the Federation; Articles 1, 4, 5, 10, 22, and 25 of the Organic Law of the Attorney-General’s Office; Articles 1, 3, 4, 6, and 12 (and the articles relevant to each department) of the Regulations on implementing the Organic Law of the Attorney-General’s Office; and Agreements A/018/01 and A/124/04, issued by the Attorney-General of the Republic; and in compliance with the orders issued in operative paragraph _____ of the Agreement of _____, I call upon you to instruct members of your staff to conduct an investigation into the events which form the subject of this inquiry.

Y O U R S F A I T H F U L L Y

OFFICIAL OF THE FEDERAL PROSECUTOR’S OFFICE

Approved by
Superior

ADDRESS OF THE ISSUING ADMINISTRATIVE UNIT

A.4 LETTER REQUESTING THE FEDERAL JUDICIAL POLICE TO BEGIN THE INVESTIGATION

Identifying information

- Heading with the name of the issuing Administrative Unit
- Investigating agency
- Division
- Preliminary Inquiry number
- Letter number
- Subject
- Place and date of issue
- Name, function, and address of recipient authority (Director of the Criminal Investigation Agency or Regional Head)

Content

- Legal grounds
- Details of the request

Closing procedure

- Name and signature of public prosecutor
- Superior's approval
- Address of the issuing administrative unit

SAMPLE



DETAILS OF THE ISSUING UNIT

AGENCY: _____

DIVISION: _____

P.I.: _____

LETTER: _____

SUBJECT: Investigation

Mexico City, _____, _____, _____

**DIRECTOR OF THE CRIMINAL INVESTIGATION
AGENCY OR REGIONAL HEAD
ADDRESS
H A N D - D E L I V E R E D.**

In accordance with the provisions of Articles 1, 14, 16, 21, and 102 Section A of the Political Constitution of the United Mexican States; Article 1.8 of the American Convention on Human Rights (“Pact of San José”); Article 14 of the International Covenant on Civil and Political Rights; Section 1 of the General Law on Victims; Articles 1, 2, 6, 16, 113, 168, 180, and 206 to 278 ter (as applicable) of the Federal Code of Criminal Procedure; Article 50 of the Organic Law of the Judicial Branch of the Federation; Articles 1, 4, 5, 10, 22, and 25 of the Organic Law of the Attorney-General’s Office; Articles 1, 3, 4, 6, and 12 (and the articles relevant to each department) of the Regulations on implementing the Organic Law of the Attorney-General’s Office; and Agreements A/018/01 and A/124/04, issued by the Attorney-General of the Republic; and in compliance with the orders issued in operative paragraph _____ of the Agreement of _____, I call upon you to instruct members of your staff to conduct an investigation into the events which form the subject of this inquiry.

**Y O U R S F A I T H F U L L Y
OFFICIAL OF THE FEDERAL PROSECUTOR’S OFFICE**

Approved by
Superior

ADDRESS OF THE ISSUING ADMINISTRATIVE UNIT

Initial information

- Heading with the name of the issuing administrative unit
- Internal control communication number
- Subject
- Place and date
- Name and function (address) of the recipient
- Division or investigating agency

Core content

- Letter number
- Preliminary Inquiry number
- Outcome of the investigation

Closing information

- Names and signatures of the Judicial Police
- Address of the issuing administrative unit

SAMPLE



DETAILS OF THE ISSUING UNIT
COMMUNICATION: PGR/AIC/PFM__/IT/_____/2015
Place and Date _____, _____, _____,
Subject: Complete Report and/or Partial
Report
“2015, Year of Generalísimo José María Morelos y Pavón”

Official of the Federal Prosecutor’s Office, Director of
Division _____ of the D.G.A.S.R.C.M.D.H.
Hand-delivered

In reference to communication no. _____ dated _____, _____, relating to Preliminary Inquiry _____, in which staff were requested to carry out a thorough and professional investigation of events investigated in the aforementioned Preliminary Inquiry, we inform you that:

The undersigned, having examined the file in question, are called upon by the Federal Public Prosecutor to _____.

- a) Location of victim and/or witnesses
- b) Interview with victim and/or witnesses
- c) Chronology of events
- d) and/or any other information requested by the public prosecutor

Enclosures: _____.

We render this information in due time, place, and form for whatever legal purpose it may serve.

YOURS FAITHFULLY
FEDERAL JUDICIAL POLICE

Non-commissioned officer

Non-commissioned officer

ADDRESS OF THE ISSUING ADMINISTRATIVE UNIT

A.6 LETTER REQUESTING EXPERT REPORT

Initial information

- Heading with the name of the issuing administrative unit
- Preliminary Inquiry number
- Letter number
- Subject
- Place and date
- Name, function and address of recipient

Core content

- Legal grounds and justification
- Specify the subject of the report
- Detail what the report will examine

Closing information

- Name, number and signature of public prosecutor
- Superior's approval
- Address of the issuing administrative unit

SAMPLE



DETAILS OF ISSUING AUTHORITY

AGENCY: _____

DIVISION: _____

P.I.: _____

LETTER _____

SUBJECT: Investigation

Mexico City, _____ , _____

**DIRECTOR-GENERAL OF EXPERT SERVICES
FOR THIS INSTITUTION**

ADDRESS

H A N D - D E L I V E R E D .

In accordance with the judicial agreement made within the Preliminary Inquiry cited above and pursuant to the provisions of Articles 1, 14, 16, 21, and 102 Section A of the Political Constitution of the United Mexican States; Article 1.8 of the American Convention on Human Rights (“Pact of San José”); Article 14 of the International Covenant on Civil and Political Rights; Section 1 of the General Law on Victims; Articles 1, 2, 6, 16, 113, 168, 180, and 206 to 278 ter (as applicable) of the Federal Code of Criminal Procedure; Article 50 of the Organic Law of the Judicial Branch of the Federation; Articles 1, 4, 5, 10, 22, and 25 of the Organic Law of the Attorney-General’s Office; Articles 1, 3, 4, 6, and 12 (and the articles relevant to each department) of the Regulations on implementing the Organic Law of the Attorney-General’s Office; and Agreements A/018/01 and A/124/04, issued by the Attorney-General of the Republic;

I call upon you kindly to appoint experts in the field of _____
to report on _____.

I presume that the relevant Preliminary Inquiry file is available to you through the Investigating Division.

Furthermore, I inform you that the offices of this _____ are located at the address given in the footnote below.

**YOURS FAITHFULLY
“EFFECTIVE SUFFRAGE, NOT REELECTION”
OFFICIAL OF THE FEDERAL PROSECUTOR’S OFFICE**

Approved by
Superior

ADDRESS OF THE ISSUING ADMINISTRATIVE UNIT.

Initial information

- Heading with the name of the Department of Expert Services
- Heading with the name of the Directorate-General
- Name of the administrative unit
- Sheet number
- File number
- Subject
- Place and date
- Name and function of the recipient

Core content

- Introduction of the issue being raised
- Study method
- Study materials
- Case history
- Legal medical analysis
- Technical matters, depending on the case
- Conclusions
- Bibliographical references
- Appendices, where applicable

Closing information

- Expert's name and signature
- Address of the issuing administrative unit

SAMPLE



Department of Expert Services
Directorate-General of Forensic Medicine Specialties

Department of Forensic Medicine

Sheet: XXXXX

File: XXXXXXX

SUBJECT: Publication of Report following
Physical Assessment

Place and date

Name

Function

Registration

Hand-delivered

I, the undersigned, a forensic medical expert registered in this Attorney-General's Office, acting on the corresponding proposal by the Coordinator of Expert Services in this institution, have been tasked with issuing the following:

REPORT

ISSUE BEING RAISED

This section will specify precisely what is written in the request from the Public Prosecutor's Office, and if the case involves a court hearing, the expert must look for the purpose of the study in the judge's agreement or the presentation of evidence, as applicable.

INVESTIGATION METHOD

Must specify the scientific method used for the forensic investigation (scientific and clinical aspects).

INVESTIGATION MATERIALS

Must include:

- Request from the Public Prosecutor's Office.
- Medical and legal review of the individual under investigation.
- Other matters, etc.

CASE HISTORY

In some cases relating to files or injuries with a medical history, reclassification of injuries, etc., it is necessary to add these in this section in the following order:

Documentation from the Public Prosecutor's Office (injured parties, witness, and others).

Expert medical documentation: drug report, genetic report, forensic report, ballistics report, medical certificates, medical notes, radiographs, photographs, slides, laboratory reports: the type of document, name of individual, date of issuance, and full name of the professional signing the document must be specified.

MEDICAL AND LEGAL EXAMINATION

Before this can take place, an explanation of the procedure or, in some cases, informed consent is required. *"On this day at xxxx hours, we had at sight on the premises of this institution's medical service in xxxxxx a person of the xxxxxx gender who claimed to be called xxxxxxxxxx, aged xxxxx years, whose civil status was xxxxx, with the education history xxxxxxx and occupation of xxxxx, and who hailed from xxxxxx. The person's general condition (cleanliness, appearance), state of mind, language (if they hear voices), and gait are: _____"*

If the individual suffers from any particular illness or takes medication: _____

If the individual presents with any type of acute or chronic pain, and the characteristics of this, and whether he/she has received medical attention:

On physical examination: Presents with _____ or, as the case may be, bears no external signs of recent physical injury.

TECHNICAL MATTERS

In this section, you must substantiate your investigation in technical terms using the literature review.

MEDICAL AND LEGAL ANALYSIS

Establish links between cause and effect, depending on the investigation.

In this section you can make comments or specify how the injuries were caused, depending on the case.

CONCLUSION(S)

Must be brief, clear, concise, and precise regarding the issue raised by the authority and the corresponding medical and legal classification, where applicable.

BIBLIOGRAPHICAL REFERENCES

A list of the works consulted.

ENCLOSURES

If any enclosures are to be included, the number of volumes, numbers of pages, radiographs, etc. should be specified.

Y O U R S F A I T H F U L L Y

OFFICIAL MEDICAL EXPERT

DR. xxxxxxx

Rev.:2

Ref.: IT-MF-01

FO-MF-08

Av. Rio Consulado No.715-721 Colonia Santa María Insurgentes C.P. 06450, Delegación Cuauhtémoc, México, D.F.

Tel: (55)53 46 19 39 www.pgr.gob.mx

Initial identifying details

- Heading with the name of the issuing administrative unit
- Preliminary Inquiry number
- Letter number
- Subject
- Place and date
- Name and function of the recipient

Core content

- Legal grounds
- Request for specialists in the fields of medical treatment, clinical psychology, social anthropology and social work to be appointed so that an assessment can be carried out regarding the risk to which the victim is exposed

Closing information

- Name and signature of the public prosecutor
- Superior's approval
- Address of the issuing administrative unit

SAMPLE



DETAILS OF THE ISSUING UNIT

P.I.: _____
LETTER: _____
SUBJECT: _____

Mexico City, _____, _____

XXXX XXXX XXXX

**DIRECTOR OF CRIME PREVENTION AND
COMMUNITY SERVICES**

H A N D - D E L I V E R E D

In accordance with the judicial agreement made on this date in the aforementioned file pursuant to the provisions of Articles 1, 14, 16, 21, and 102 Section A of the Political Constitution of the United Mexican States; Article 1.8 of the American Convention on Human Rights (“Pact of San José”); Article 14 of the International Covenant on Civil and Political Rights; Section 1 of the General Law on Victims; Articles 1, 2, 6, 16, 113, 168, 180, and 206 to 278 ter (as applicable) of the Federal Code of Criminal Procedure; Article 50 of the Organic Law of the Judicial Branch of the Federation; Articles 1, 4, 5, 10, 22, and 25 of the Organic Law of the Attorney-General’s Office; Articles 1, 3, 4, 6, and 12 (and the articles relevant to each department) of the Regulations on implementing the Organic Law of the Attorney-General’s Office; and Agreements A/018/01 and A/124/04, issued by the Attorney-General of the Republic; I call upon you kindly to appoint specialists in the fields of medical treatment, clinical psychology, social anthropology and social work so that an assessment can be carried out of the risk to which XXXX XXXX XXXX is exposed as a result of alleged acts constituting the crime of torture.

I remain at your disposal to answer any query you may have or provide any clarification or further comment that you may require on telephone number 53 46 00 00 ext. XXXX.

Y O U R S F A I T H F U L L Y
“EFFECTIVE SUFFRAGE, NOT REELECTION”
OFFICIAL OF THE FEDERAL PROSECUTOR’S OFFICE

Approved by
Superior

ADDRESS OF THE ISSUING ADMINISTRATIVE UNIT

A.9 LETTER OF SUMMONS TO VICTIM AND/OR WITNESSES

Initial identifying information

- Heading with the name of the issuing administrative unit
- Preliminary Inquiry number
- Letter number
- Subject
- Place and date
- Name, function and address of the recipient

Core content

- Legal grounds
- Request to appear (in his/her capacity as victim and/or witness), along with the appointed date, place, and time, and the need for a valid piece of official identification
- Inform him/her of the right to be accompanied by a legal representative

Closing information

- Name and signature of public prosecutor
- Address of the issuing administrative unit

SAMPLE



DETAILS OF THE ISSUING UNIT

P.I.: _____

LETTER: _____

SUBJECT: SUMMONS

Mexico City, _____ , _____

NAME XXXXXXXXXXXX
ADDRESS XXXXXXXXXXXX
H A N D - D E L I V E R E D

In accordance with the agreement made in the aforementioned Preliminary Inquiry, pursuant to the provisions of Articles 1, 14, 16, 21, and 102 Section A of the Political Constitution of the United Mexican States; Article 1.8 of the American Convention on Human Rights (“Pact of San José”); Article 14 of the International Covenant on Civil and Political Rights; Section 1 of the General Law on Victims; Articles 1, 2, 6, 16, 113, 168, 180, and 206 to 278 ter (as applicable) of the Federal Code of Criminal Procedure; Article 50 of the Organic Law of the Judicial Branch of the Federation; Articles 1, 4, 5, 10, 22, and 25 of the Organic Law of the Attorney-General’s Office; Articles 1, 3, 4, 6, and 12 (and the articles relevant to each department) of the Regulations on implementing the Organic Law of the Attorney-General’s Office; and Agreements A/018/01 and A/124/04, issued by the Attorney-General of the Republic; I hereby inform you that you are called to appear before this Federal Prosecutor’s Office in the offices of this XXXXXXXX located in XXXXXXXX, on the XXXXXXXX day of XXXXXXXX, XXXXXXXX, at XXXXXXXX hours and XXXXXXXX minutes, in your capacity as XXXXX. You are also informed that, should you so wish, you are permitted to be accompanied by a lawyer or trusted person, in which case he/she must bring official identification.

I remain at your disposal to answer any query you may have or provide any clarification or comment which you may require on telephone number XXXXXXXX extension XXXX.

Y O U R S F A I T H F U L L Y
“EFFECTIVE SUFFRAGE, NOT REELECTION”
OFFICIAL OF THE FEDERAL PROSECUTOR’S OFFICE

ADDRESS OF THE ISSUING ADMINISTRATIVE UNIT

A.10 LETTER OF SUMMONS TO VICTIM AND/OR WITNESSES THROUGH COMPETENT AUTHORITY

Initial identifying information

- Heading with the name of the issuing administrative unit
- Preliminary Inquiry number
- Letter number
- Subject
- Place and date
- Name, function, and address of the recipient

Core content

- Legal grounds
- Request for the victim and/or witness to be notified of the summons for their statements
- Request to the staff who will participate in the proceedings
- Request for the tools needed to carry out the proceedings
- Request to the department in which the proceedings are to take place
- Request for confirmation of the victim's and/or witness's identity
- Information regarding the right to be assisted by a legal representative

Closing information

- Name and signature of the public prosecutor
- Address of the issuing administrative unit

SAMPLE



DETAILS OF THE ISSUING UNIT

P.I.: _____

LETTER: _____

**SUBJECT: REQUEST FOR
NOTIFICATION TO BE SENT**

Mexico City, _____ , _____

DETAILS OF THE AUTHORITY

ADDRESS XXXXXXXXXX

H A N D - D E L I V E R E D

In accordance with the agreement made in the aforementioned Preliminary Inquiry, pursuant to the provisions of Articles 1, 14, 16, 21, and 102 Section A of the Political Constitution of the United Mexican States; Article 1.8 of the American Convention on Human Rights (“Pact of San José”); Article 14 of the International Covenant on Civil and Political Rights; Section 1 of the General Law on Victims; Articles 1, 2, 6, 16, 113, 168, 180, and 206 to 278 ter (as applicable) of the Federal Code of Criminal Procedure; Article 50 of the Organic Law of the Judicial Branch of the Federation; Articles 1, 4, 5, 10, 22, and 25 of the Organic Law of the Attorney-General’s Office; Articles 1, 3, 4, 6, and 12 (and the articles relevant to each department) of the Regulations on implementing the Organic Law of the Attorney-General’s Office; and Agreements A/018/01 and A/124/04, issued by the Attorney-General of the Republic; I hereby request that you notify XXXXX, who is currently to be found in your custody in XXXXXXXX of the enclosed summons for a statement to be taken from him/her on XXXX at XXXX hours.

To that end, I request that you designate a location where the aforementioned proceeding may take place, granting access to it for XXXXXXXX and the following objects: XXXXXXXXXXXXX, which are required for the purposes of the proceeding.

You are also requested to provide whatever documents you may have to allow the aforementioned person’s identity to be confirmed.

I remain at your disposal to answer any query you may have or provide any clarification or comment which you may require on telephone number **XXXXXX** extension **XXXX**.

YOURS FAITHFULLY
“EFFECTIVE SUFFRAGE, NOT REELECTION”
OFFICIAL OF THE FEDERAL PROSECUTOR’S OFFICE

ADDRESS OF THE ISSUING ADMINISTRATIVE UNIT

A.11 AGREEMENT TO ORDER THE NECESSARY PROTECTION MEASURES

Initial identifying information

- Preliminary Inquiry number

Core content

- Title of the action
- Place, date, and time
- Legal grounds
- Citations
- Agreement (mention the support, assistance, and protection measures in line with the General Law on Victims)

Closing data

- Name and signature of the public prosecutor
- Name and signature of the witnesses
- Address of the issuing administrative unit

SAMPLE



P.I.: _____

AGREEMENT BY WHICH PROTECTION MEASURES ARE ORDERED
FOR THE BENEFIT OF
XXXXXXXXXXXXXX

- - - In Mexico City, Federal District of Mexico, at XXXXX hours and XXXX minutes on the XXXX day of XXXX in the year two thousand and XXXX, XXXXXXXX XXXXXXXXXX XXXXXXXXXX XXXXXXXX, an Official of the Federal Prosecutor's Office registered under number XXXXXXXXXX, acting, pursuant to the provisions of Article 16 of the Federal Code of Criminal Procedure, with the assistance of two witnesses, here undersigned, agreed: - - - - - HAVING REGARD TO the content of report XXXXX XXXXXXX XXXXXXX collected by an Official of the Federal Prosecutor's Office, Agency XXXXX for Criminal Procedures "X" from the Local Borough of XXXXXXX, dated XXXXX XXXXX of this year, in which it is stated that: XXXXXXX (case history) - - - - -

WHEREAS

I. In accordance with the provisions of Articles 1, 14, 16, 21, and 102 Section A of the Political Constitution of the United Mexican States; Article 1.8 of the American Convention on Human Rights ("Pact of San José"); Article 14 of the International Covenant on Civil and Political Rights; Section 1 of the General Law on Victims; Articles 1, 2, 6, 16, 113, 168, 180, and 206 to 278 ter (as applicable) of the Federal Code of Criminal Procedure; Article 50 of the Organic Law of the Judicial Branch of the Federation; Articles 1, 4, 5, 10, 22, and 25 of the Organic Law of the Attorney-General's Office; Articles 1, 3, 4, 6, and 12 (and the articles relevant to each department) of the Regulations on implementing the Organic Law of the Attorney-General's Office; and Agreements A/018/01 and A/124/04, issued by the Attorney-General of the Republic.- -

II. The constitutional and legal framework establishes, as a guarantee for victims and an obligation for the authorities, that the necessary precautionary measures must be taken to ensure victims' safety and assistance. In light of this Article 20 Section B of the Constitution establishes the right: "VI. To apply for such measures as the law may provide for their safety and assistance."; Article 2 of the Federal Code of Criminal Procedure states that, in the Preliminary Inquiry, the Public Prosecutor's Office shall be tasked with "taking all necessary measures and precautions to provide security and help to the victim..."; Article 123 of the aforementioned Federal Code provides that: "...When the Federal Public Prosecutor or the officers responsible for carrying out preliminary inquiries on the latter's behalf are aware of the probable existence of an offense that should be prosecuted de officio, it shall take all necessary measures and precautions to provide security and help to the victim; avoid the loss, destruction or alteration of any prints or traces, instruments and evidence as to the purpose and effect of the offense; establish the identity of witnesses; ensure that the offense does not continue to be committed and, in general, prevent any interference with the investigation... The same shall apply in the case of crimes that may only be prosecuted following a complaint, if a complaint has been lodged... III. The

function of this Prosecutor's Office is to investigate and prosecute crimes reported, pursuant to the provisions of the applicable legislation, and ensure compliance with the Constitution and legislation, promoting the prompt, speedy, and appropriate administration of justice, and ensuring full respect for human rights at all times. - - - **IV.** The mission of this Prosecutor's Office is to ensure the administration of justice so as to **create a culture of respect for the rights of victims** in our country, since it behooves the Federal Prosecutor's Office to offer victims or injured parties the guarantees enshrined in Article 20 Section B of the Political Constitution of the United Mexican States and other applicable rules. - - - - - **V.** Considering the above, and given the nature of the reported acts and the obligation falling to the Public Prosecutor's Office to order protection measures for victims, it is necessary hereby to decree that the following measures be taken: XXXXXXXXXXXXXXXXXXXXXXXX.- - - - - In light of the above it is : - - - - -

AGREED

- - - - - **FIRST.**- XXXXXX (specify protection measure) is ordered to be provided to XXXXX for a period of XXXX. - - - - -

- - - - - **SECOND.**- The victim shall be notified of the measure ordered. - - - - -

- - - - - **THIRD.**- The relevant notices shall be sent to XXXXXXXX (relevant authorities) to implement the protection measure granted.- - - - -

- - - - - **FOURTH.**- The aforementioned authorities shall be required to submit a report on the implementation of the protection measure granted. - - - - -

IT IS SO APPROVED

- - - - - IT IS SO AGREED AND SIGNED BY XXXXX XXXXXXXX XXXX, AN OFFICIAL OF THE FEDERAL PROSECUTOR'S OFFICE REGISTERED UNDER NUMBER XXXXXX, ACTING IN COMPLIANCE WITH THE LAW WITH TWO WITNESSES HERE UNDERSIGNED. - - - - -

- - - - -
ATTESTED BY - - - - -

WITNESS

WITNESS

XXXXXXXX XXXXXXXX XXXXX

XXX XXXXX XXXXXXX XXXXXXX

A.12 LETTER REQUESTING PROTECTION MEASURES FROM THE COMPETENT AUTHORITY

Initial identifying information

- Heading with the name of the issuing administrative unit
- Preliminary Inquiry number
- Letter number
- Subject
- Place and date
- Name and function of the recipient

Core content

- Legal grounds
- Request for measures (mention the support, assistance, and protection measures in accordance with the General Law on Victims)
- Name(s) of the person(s) to whom measures are to be provided and the period during which they shall apply
- Request for implementation, follow-up, and completion of reports

Closing information

- Name and signature of the prosecution officer
- Address of the issuing administrative unit

SAMPLE



DETAILS OF THE ISSUING UNIT

P.I.: _____

LETTER: _____

SUBJECT: REQUEST FOR PROTECTION MEASURES.

Mexico City, _____ , _____

DETAILS OF THE AUTHORITY

ADDRESS XXXXXXXXXX

H A N D - D E L I V E R E D

In accordance with the agreement made in the aforementioned Preliminary Inquiry, pursuant to the provisions of Articles 1, 14, 16, 21, and 102 Section A of the Political Constitution of the United Mexican States; Article 1.8 of the American Convention on Human Rights ("Pact of San José"); Article 14 of the International Covenant on Civil and Political Rights; Section 1 of the General Law on Victims; Articles 1, 2, 6, 16, 113, 168, 180, and 206 to 278 ter (as applicable) of the Federal Code of Criminal Procedure; Article 50 of the Organic Law of the Judicial Branch of the Federation; Articles 1, 4, 5, 10, 22, and 25 of the Organic Law of the Attorney-General's Office; Articles 1, 3, 4, 6, and 12 (and the articles relevant to each department) of the Regulations on implementing the Organic Law of the Attorney-General's Office; and Agreements A/018/01 and A/124/04, issued by the Attorney-General of the Republic; I hereby request that you kindly take steps to implement the protection measure granted to XXXXXXXXXX, the victim in the current investigation, as ordered in the agreement XX, dated XXX, consisting in XXXX, for a period lasting XXXX.

You are kindly requested to give immediate notice of the actions carried out to implement the protection measure granted and to follow up on it for as long as it applies.

I remain at your disposal to answer any query you may have or provide any clarification or comment which you may require on telephone number XXXXXX extension XXXX.

YOURS FAITHFULLY

"EFFECTIVE SUFFRAGE, NOT REELECTION"

OFFICIAL OF THE FEDERAL PROSECUTOR'S OFFICE

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

ADDRESS OF THE ISSUING ADMINISTRATIVE UNIT

A.13 NOTICE TO IMPLEMENT THE AUTHORIZED MEASURES IN COORDINATION WITH THE COMPETENT AUTHORITY

Initial information to include

- Heading with the name of the issuing administrative unit
- Preliminary Inquiry number
- Notice number
- Subject
- Place and date
- Name, function, and address of the recipient

Core content

- Grounds
- Request to implement the authorized measures in coordination with the competent authority
- Name of the person for whom the measures are requested
- Request for information on implementation, compliance, and follow-up in relation to measures

Closing information

- Name and signature of the public prosecutor
- Address of the issuing administrative unit

SAMPLE



DETAILS OF THE ISSUING UNIT

P.I.: _____

LETTER: _____

**SUBJECT: REQUEST FOR
PROTECTION MEASURES**

Mexico City, _____ , _____

DETAILS OF THE AUTHORITY

ADDRESS XXXXXXXXXX

H A N D - D E L I V E R E D

In accordance with the agreement made in the aforementioned Preliminary Inquiry, pursuant to the provisions of Articles 1, 14, 16, 21, and 102 Section A of the Political Constitution of the United Mexican States; Article 1.8 of the American Convention on Human Rights (“Pact of San José”); Article 14 of the International Covenant on Civil and Political Rights; Section 1 of the General Law on Victims; Articles 1, 2, 6, 16, 113, 168, 180, and 206 to 278 ter (as applicable) of the Federal Code of Criminal Procedure; Article 50 of the Organic Law of the Judicial Branch of the Federation; Articles 1, 4, 5, 10, 22, and 25 of the Organic Law of the Attorney-General’s Office; Articles 1, 3, 4, 6, and 12 (and the articles relevant to each department) of the Regulations on implementing the Organic Law of the Attorney-General’s Office; and Agreements A/018/01 and A/124/04, issued by the Attorney-General of the Republic; I hereby inform you that the protection measure consisting in XXXXXXXXX has been ordered for the beneficiary XXXXX for a period of XXXX.

Accordingly, the support of your institution is required in carrying out XXX in coordination with this Prosecutor’s Office.

You are kindly requested to give immediate notice of the actions carried out to implement the protection measure granted and to follow up on it for as long as it applies.

Y O U R S F A I T H F U L L Y
“EFFECTIVE SUFFRAGE, NOT REELECTION”
OFFICIAL OF THE FEDERAL PROSECUTOR’S OFFICE

ADDRESS OF THE ISSUING ADMINISTRATIVE UNIT

A.14 LETTER ORDERING THAT THE EXPERT MEDICAL REPORT BE CARRIED OUT (ISTANBUL PROTOCOL)

Initial information

- Heading with the name of the issuing administrative unit
- Preliminary Inquiry number
- Letter number
- Subject (request to carry out the Expert Medical Report)
- Place and date
- Name, function, and address of the recipient

Core content

- Legal grounds
- Request for the Expert Medical Report to be carried out by the previously appointed experts
- Name of the person on whom the Expert Medical Report will be carried out and his/her location
- Place, date, time, and authorization form signed by the victim with regard to the Expert Medical Report
- Enclose documents authorizing entry to the victim's location with the equipment required to carry out the procedure
- Details of the authorized persons who will be present when the Expert Medical Report is carried out

Closing information

- Name and signature of the public prosecutor
- Address of the issuing administrative unit

SAMPLE



DETAILS OF THE ISSUING UNIT

P.I.: _____
LETTER: _____
SUBJECT: REQUEST FOR PROTECTION MEASURES.

Mexico City, _____ , _____

XXXX XXXX XXXX
DIRECTOR-GENERAL OF THE DEPARTMENT OF
EXPERT SERVICES OF THE OFFICE OF THE
ATTORNEY-GENERAL OF THE REPUBLIC
H A N D - D E L I V E R E D .

In accordance with the agreement made on this date in the aforementioned Preliminary Inquiry, pursuant to the provisions of Articles 1, 14, 16, 21, and 102 Section A of the Political Constitution of the United Mexican States; Article 1.8 of the American Convention on Human Rights (“Pact of San José”); Article 14 of the International Covenant on Civil and Political Rights; Section 1 of the General Law on Victims; Articles 1, 2, 6, 16, 113, 168, 180, and 206 to 278 ter (as applicable) of the Federal Code of Criminal Procedure; Article 50 of the Organic Law of the Judicial Branch of the Federation; Articles 1, 4, 5, 10, 22, and 25 of the Organic Law of the Attorney-General’s Office; Articles 1, 3, 4, 6, and 12 (and the articles relevant to each department) of the Regulations on implementing the Organic Law of the Attorney-General’s Office; and Agreements A/018/01, A/057/03, and A/124/04, issued by the Attorney-General of the Republic; I hereby request that you instruct the appropriate person to appoint a multidisciplinary team in the fields of medicine, psychology, and photography, to carry out an Expert Medical and Psychological Report for Cases of Alleged Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on **XXXX XXXX XXXX**, who can be located at **XXXXXX** and who, in his/her judicial statement, manifested his/her agreement to participate in such a procedure.

For this same purpose, the appointed experts shall have at their disposal the present Preliminary Inquiry, which is available for consultation at the offices of this **XXXXXXXXXX**.

Once the official procedures for designating the experts and instigating the proceeding are complete, the report shall be carried out on **XXX** at **XXX** hours in **XXXX**. The victim in the present case has benefited from the assistance of **XXXXXX** (private or public counsel) and a trusted person or family member, who have helped him/her to **XXXXXX**; this person/these persons may be present at the beginning of the evaluation for this report.

(Add the following paragraph for cases involving persons deprived of their liberty)

You are also informed that the relevant authorities have granted the necessary authorization for the procedure to be carried out at the victim's current location.

Please note that once the procedure has been completed, you must submit the report, treating it as completely confidential and taking the necessary security precautions.

Enc.

YOURS FAITHFULLY
"EFFECTIVE SUFFRAGE, NOT REELECTION"
OFFICIAL OF THE FEDERAL PROSECUTOR'S OFFICE

ADDRESS OF THE ISSUING ADMINISTRATIVE UNIT

A.15 LETTER REGARDING PREPARATIONS FOR THE EXPERT REPORT

Initial information

- Heading with the name of the issuing administrative unit
- Preliminary Inquiry number
- Letter number
- Subject (list of requirements)
- Place and date
- Name, function, and address of the recipient

Core content

- Legal grounds
- Specification of requirements

Closing information

- Name and signature of the public prosecutor
- Address of the issuing administrative unit

SAMPLE



DETAILS OF THE ISSUING UNIT

P.I.: _____

LETTER: _____

SUBJECT: REQUEST FOR PROTECTION MEASURES.

Mexico City, _____ , _____

NAME XXXXXXXXXXXX

ADDRESS XXXXXXXXXXXX

H A N D - D E L I V E R E D

In accordance with the agreement made in the aforementioned Preliminary Inquiry, pursuant to the provisions of Articles 1, 14, 16, 21, and 102 Section A of the Political Constitution of the United Mexican States; Article 1.8 of the American Convention on Human Rights (“Pact of San José”); Article 14 of the International Covenant on Civil and Political Rights; Section 1 of the General Law on Victims; Articles 1, 2, 6, 16, 113, 168, 180, and 206 to 278 ter (as applicable) of the Federal Code of Criminal Procedure; Article 50 of the Organic Law of the Judicial Branch of the Federation; Articles 1, 4, 5, 10, 22, and 25 of the Organic Law of the Attorney-General’s Office; Articles 1, 3, 4, 6, and 12 (and the articles relevant to each department) of the Regulations on implementing the Organic Law of the Attorney-General’s Office; and Agreements A/018/01 and A/124/04, issued by the Attorney-General of the Republic; I hereby request that you XXXXXXXXXXXX (specification of requirements).

I remain at your disposal to answer any query you may have or provide any clarification or comment which you may require on telephone number XXXXXX extension XXXX.

Y O U R S F A I T H F U L L Y

“EFFECTIVE SUFFRAGE, NOT REELECTION”

OFFICIAL OF THE FEDERAL PROSECUTOR’S OFFICE _____

ADDRESS OF THE ISSUING ADMINISTRATIVE UNIT

Initial information

- Heading with the name of the Department of Expert Services
- Heading with the name of the Directorate-General
- Name of the administrative unit
- Sheet number
- Subject
- Place and date

Core content

- Authorization
- Grounds

Closing data

- Name and signature of assessed person
- Name and signature of trusted person and counsel
- Names and signatures of experts
- Address of the issuing administrative unit



SAMPLE

INFORMED CONSENT SHEET

ONLY IN CASES WHICH REQUIRE IT, I.E. WHEN GYNECOLOGICAL (), ANDROLOGICAL (), AND PROCTOLOGICAL () SAMPLES ARE BEING TAKEN. INSTRUCTIONS: Complete the blank spaces using block capitals and insert a **X** in the brackets which apply.

DATE: _____.

PLACE: _____

I, _____ DECLARE THAT I **DO** () / **DO NOT** () AGREE FOR THE REQUESTED MEDICAL ASSESSMENT TO BE CARRIED OUT, AND I AM MAKING THIS DECISION FREE FROM ANY PRESSURE OR THREAT. REASONS: _____

I THEREFORE **DO** () / **DO NOT** () AGREE TO FOLLOW ALL INSTRUCTIONS AND TO ANSWER ALL QUESTIONS PRESENTED TO ME DURING THE MEDICAL INTERVIEW AND PHYSICAL EXAMINATION, FOR THE FOLLOWING REASONS:

NAME AND SIGNATURE OF THE SUBJECT

NAME AND SIGNATURE OF THE ASSESSOR

Rev.:0
FO-MF-00

Ref.: IT-MF-01

Av. Rio Consulado No.715-721 Colonia Santa María Insurgentes C.P. 06450, Delegación Cuauhtémoc, México, D.F.
 Tel: (55)53 46 19 39 www.pgr.gob.mx

SAMPLE



DIRECTORATE-GENERAL OF THE DEPARTMENT
OF EXPERT SERVICES
DIRECTORATE-GENERAL OF FORENSIC
MEDICINE SPECIALTIES
DEPARTMENT OF FORENSIC MEDICINE
SHEET: _____

FILE: _____

DATE: _____ 20 _____

**INFORMED CONSENT TO CARRY OUT THE EXPERT MEDICAL AND
PSYCHOLOGICAL REPORT FOR CASES OF ALLEGED TORTURE AND OTHER
CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.**

The Official Experts shall act according to the principles of legality, integrity, loyalty, impartiality, professionalism, effectiveness, and efficiency, and with the utmost diligence and respect for human rights.

Having heard the reasons for carrying out an Expert Medical and Psychological Report for Cases of Alleged Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:

I, _____

At _____ hours. Grant my AUTHORIZATION for medical, psychological, and photographic examinations of my person to be carried out, and agree to follow all instructions given to me by the professional and to answer all questions truthfully:

Yes () No ()	Medical interview and physical examination.
Yes () No ()	Photographic prints to document and illustrate the investigation.
Yes () No ()	Psychological interview and examinations.

During these examinations and the professional's involvement:

Yes () No ()	I received clear and comprehensive information
Yes () No ()	I was treated in a cordial manner
Yes () No ()	I was put under pressure
Yes () No ()	I was restricted
Yes () No ()	I was threatened

Signature of the assessed person

Name and signature of trusted person or counsel

SAMPLE



DIRECTORATE-GENERAL OF THE DEPARTMENT
OF EXPERT SERVICES
DIRECTORATE-GENERAL OF FORENSIC
MEDICINE SPECIALTIES
DEPARTMENT OF FORENSIC MEDICINE
SHEET: _____

FILE: _____

DATE: _____ 20 ____

**INFORMED CONSENT TO CARRY OUT THE EXPERT MEDICAL AND
PSYCHOLOGICAL REPORT FOR CASES OF ALLEGED TORTURE AND OTHER
CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.**

The Official Experts shall act according to the principles of legality, integrity, loyalty, impartiality, professionalism, effectiveness, and efficiency, and with the utmost diligence and respect for human rights.

Having heard the reasons for carrying out an Expert Medical and Psychological Report for Cases of Alleged Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:

I, _____

At _____ hours. Do not grant my AUTHORIZATION for medical, psychological, and photographic examinations of my person to be carried out, and I indicate below my reasons and motives for this REFUSAL. (I approve the sheet, sign it and/or add my fingerprint in the margin and at the bottom, in the presence of my trusted person or legal counsel, to make this statement legal):

Signature of the assessed person

Name and signature of the trusted person or counsel

Name and signature of the medical expert

Name and signature of the psychological expert

A.17 REPORT ON REFUSAL OF CONSENT FOR EXPERT EXAMINATION

Initial information

- Heading with the name of the Department of Expert Services
- Heading with the name of the Directorate-General
- Name of the administrative unit
- Sheet number
- File number
- Subject
- Place and date
- Name and function of the recipient

Core content

- Authorization
- Reasons

Closing information

- Names and signatures of the experts
- Address of the issuing administrative unit

SAMPLE



CRIMINAL INVESTIGATION AGENCY

Department of Expert Services

Directorate-General of Forensic Medicine Specialties

Directorate-General of Forensic Laboratories

Department of **Forensic Medicine**

Department of **Psychology**

Department of Forensic Photography

Sheet number: XXXXXXXX.

FILE: XXXXXXXX

SUBJECT: REPORT

Place and date

XXXXXXXXXXXX.

XXXXXXXXXX

Function and Registration No.

H A N D - D E L I V E R E D

The undersigned Official Experts of the Federal Attorney-General's Office, appointed to work on the aforementioned CASE FILE XXXXX, which requests that *"...to appoint experts in the fields of medicine, psychology, and photography, to carry out an Expert Medical and Psychological Report for Cases of Alleged Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment"* I hereby issue you with the following:

REPORT

I hereby inform you that, at XXXX hours on this day, I was present on the premises of CEFERESO XXXXXXXX accompanied by the expert psychologist and expert photographer named XXXX in the department of XXXX along with a counsel or trusted person named XXXXXXX, and that, having at sight the person to be assessed, named XXXXXXX, this person, having heard the reasons for carrying out an Expert Medical and Psychological Report for Cases of Alleged Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, conveyed verbally and in writing that: "HE/SHE DOES NOT AGREE TO THE ASSESSMENT AND DOES NOT AGREE TO FOLLOW THE INSTRUCTIONS, DENYING CONSENT FOR THE MEDICAL AND PSYCHOLOGICAL EXAMINATIONS AND FOR PHOTOGRAPHIC PRINTS". The Expert Medical and Psychological Report shall not, therefore, be carried out, and this procedure ends at XXXX hours. The informed consent sheet conveying the refusal of consent is attached, as is the access letter stamped by CEFERESO.

This document is issued for whatever legal purpose it may serve.

**YOURS FAITHFULLY
THE OFFICIAL EXPERTS**

DOCTOR: XXXXXXXX.

PSYCHOLOGIST: XXXXXXXX.

A.18 REQUEST FOR DIAGNOSTIC TESTS AND/OR CONSULTATIONS (FOR MEDICINE AND PSYCHOLOGY)

Initial information

- Heading with the name of the Department of Expert Services
- Heading with the name of the Directorate-General
- Name of the administrative unit
- Sheet number
- Subject
- Place and date
- Name and function of the recipient

Core content

- Background to the request
- Request
- Need to report on compliance with the request

Closing information

- Name and signature of the expert
- Address of the issuing administrative unit

SAMPLE



Department of Expert Services
Directorate-General of Forensic Medicine Specialties
Department of Forensic Medicine
Sheet: XXXXX

SUBJECT: REQUEST
Mexico City, XXXX XX, 201X

XXXXXXX

Function

Registration

Hand-delivered

I, the undersigned official expert, appointed to act in relation to the aforementioned P.I., which requests that: “an expert in the field of **MEDICINE** be appointed and present him-/herself at the offices of XXXXXXX at XXXXX hours on Wednesday XXXXXX to carry out an Expert Medical and Psychological Report for Cases of Alleged Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on a person named XXXXXXXX...”, hereby submit to you the following:

REQUEST

At XXXXX hours on XXXXX, I presented myself, at the premises of XXXXX, located in XXXXX, to XXXX, and was informed that the procedure would take place in another location. At XXXX hours, we attended the offices of XXXXX, located in XXXX, and had at sight a person of the XXXX gender who claimed to be called XXXXX. The individual was informed of the nature of the procedure and gave his/her authorization for it to be carried out in the interview held with the aforementioned person. Before we can discharge our obligation to act as medical experts in this person’s regard, the following documentation is required:

- 1.- Judicial statement by the apprehending officers (if necessary).*
- 2.- Medical reports or certificates regarding Mr XXXXXXXX.*
- 3.- Medical assistance report provided to XXXXXXX by Health Center XXXXX dated xxxxxx.*
- 4.- Clinical notes/clinical file on medical assistance provided to xxxxx by Dr xxxx (mentioned by Mr xxxx during the present medical assessment).*
- 5.- Dr. xxxx (mentioned by Mr xxxxx during the present medical assessment) is summoned to appear and fill in the following questionnaire:*

- a.- *Since what date have you been providing medical assistance to xxxxx?*
- b.- *What was xxxxx's state of health, what were his/her symptoms, and what diagnosis was given to xxxxx at the first consultation?*
- c.- *What medical assistance was provided to xxxxxx?*
- d.- *Please mention any laboratory tests requested.*
- e.- *What is the diagnosis or interpretation resulting from X-rays carried out on xxxxx?*
- f.- *What is Mr xxxx's current state of health and the etiology of this?*
- 6.- *As for Mr xxxx's X-rays.*
- 10.- *An expert medical assessment is requested from the xxxxx and xxxxx services of the Health Institutions (IMSS, ISSSTE, PEMEX, Ministry of Health, etc) to ascertain the current state of Mr xxxxxx's health, as well as any diagnostic laboratory tests which the medical experts may deem necessary.*

**YOURS FAITHFULLY
OFFICIAL MEDICAL EXPERT**

DR. xxxxxxxx

Rev.:1
FO-MF-07

Ref.: IT-MF-01

SAMPLE



**Department of Expert Services
Directorate-General of Forensic Medicine Specialties
Department of Psychology
Sheets: XXXXX**

**SUBJECT: REQUEST
Mexico City, XXXX XX, 201X**

XXXXXXXXXXXXXXXXXX

Function

Registration

H a n d - d e l i v e r e d .

I, the undersigned, an expert in **psychology**, registered with the Department of Expert Services, having been called to act in relation to the aforementioned criminal matter in line with the request that I: *".... carry out a **mental health examination and psychological assessment of XXXXXXXXX**, in order to ascertain whether the injuries and the findings of the examination are compatible with acts or practices the aim of which is torture" (Sic), hereby issue you with the following:*

R E Q U E S T

So as to offer my expert opinion in the field of forensic psychology with respect to the individual named **XXXXXXXXXX**.

Having read your order, and with a view to fulfilling the request received, the following measures shall be necessary:

- 1.- I ask that you kindly provide A SINGLE COPY of the psychological assessment report initially carried out by the prison psychologist.
- 2.- I also request a report detailing the sanctions imposed upon the accused during his/her custody in the Center in question.
- 3.- Finally, I ask you kindly to provide a psychiatric and/or neurological assessment (where necessary).

**YOURS FAITHFULLY
EXPERT IN PSYCHOLOGY
DR. xxxxxxxx**

Rev.0
FO-PF-06

IT-PF-01

A.19 EXPERT MEDICAL AND PSYCHOLOGICAL REPORT FOR THE INVESTIGATION OF TORTURE

Initial information

- Heading with the name of the Department of Expert Services
- Heading with the name of the Directorate-General
- Name of the administrative unit
- Sheet number
- Subject
- Place and date
- Name and function of the recipient

Core content

- Background to the request
- Request
- Need to report on compliance with the request

Closing information

- Name and signature of the expert
- Address of the issuing administrative unit

SAMPLE



**CRIMINAL INVESTIGATION AGENCY
Department of Expert Services**

Directorate-General of Forensic Medicine Specialties
Department of **Forensic Medicine**

DISCHARGE SHEET: 0/2014
MEDICINE PROPOSAL SHEET:
PSYCHOLOGICAL PROPOSAL SHEET:
FILE:

**SUBJECT: ISSUANCE OF EXPERT MEDICAL AND
PSYCHOLOGICAL REPORT FOR CASES OF
ALLEGED TORTURE AND OTHER CRUEL,
INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT**

Place and date: _____

XXX
H A N D - D E L I V E R E D

The undersigned, professional Executive “B” experts in forensic medicine and forensic psychology, registered with the Directorate-General of Forensic Medicine Specialties of the Department of Expert Services of this Attorney-General’s Office, pursuant to the provisions of Articles 21 and 102, Section A of the POLITICAL CONSTITUTION OF THE UNITED MEXICAN STATES; Articles 220, 220 bis, 221, 223, 225, 226, 234, and 235 of the FEDERAL CODE OF CRIMINAL PROCEDURE; Article 10 Sections IV, VI, and X; Article 20; Article 22 Section I Paragraph d); and Article 25 of the ORGANIC LAW OF THE ATTORNEY-GENERAL’S OFFICE; Article 3 Paragraph G Section I and Paragraph H Section XXXIX; Article 12 Section II; Article 40 Sections I, III, IX, X, XI, XII, and XIII; Article 86 Sections I and II 71 of the REGULATIONS IMPLEMENTING THE ORGANIC LAW OF THE ATTORNEY-GENERAL’S OFFICE, on the basis of Agreement A/057/2003 made by the Federal Attorney-General and in accordance with the provisions of Articles 2, 40, and 41 of the REGULATIONS IMPLEMENTING THE ORGANIC LAW OF THE ATTORNEY-GENERAL’S OFFICE; issue the following:

**EXPERT MEDICAL AND PSYCHOLOGICAL REPORT FOR CASES OF ALLEGED TORTURE
AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**
(Based on the Istanbul Protocol)

I.- MATTER FOR ASSESSMENT

Medical and psychological aspects:

II.- PRESENTATION OF THE EXPERTS AND THEIR QUALIFICATIONS

(Istanbul Protocol, Chapter III, Number 2, Paragraph c)

Medical education and clinical training. Psychological/psychiatric training. Experience in documenting evidence of torture and ill treatment. Human rights expertise relevant to the investigation. Relevant publications, presentations, and training courses.

Medical and psychological expert:

III.- INFORMED CONSENT OF THE SUBJECT
(Istanbul Protocol, Chapter II, Section C, Number 2)

Once the purpose of carrying out the Expert Report has been explained:

Consent granted () () Consent sheet enclosed

IV.- STATEMENT REGARDING VERACITY OF TESTIMONY
(Istanbul Protocol, Annex IV-III)

V.- MATERIALS REQUIRED FOR ASSESSMENT

Medicine:

Psychology:

VI.- ASSESSMENT METHOD

Medicine:

Psychology:

VII.- PSYCHOLOGICAL TECHNIQUES USED

- Reading and review of the file on the criminal action:

- Use of tools and other psychological techniques to assess cognitive processes, intellectual capacity, and mental pathology:

VIII.- GENERAL INFORMATION ABOUT THE SUBJECT

(Annex IV, Section II of the Istanbul Protocol)

A) Start time and date of the legal medical examination, and physical condition of the premises:

At _____:____ hours on _____, 20____, I had at sight in _____ a person who claimed to be called: _____, and to be _____ years old, with the following characteristics.
--

B) Presentation sheet:

Name:	
Nickname:	
Gender:	
Date of birth:	
Age:	
Civil status:	
Education:	
Occupation:	
Place of origin:	
Nationality:	
Religion:	
Language:	
Tongue:	
Was an interpreter or translator required?	
Ethnicity	

C) Medical case history:

Clinical history

--

Psychiatric history

--

History relating to events similar to those being investigated (medical and psychological)

--

History of substance use and abuse
(Istanbul Protocol, Chapter VI, Section C, Number 3, Paragraph g)

**IX.- ACTS REPORTED AS A CASE OF TORTURE AND OTHER CRUEL,
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

(Istanbul Protocol, Chapter IV, Section E, Numbers 3, 4, and 5)

1. Summary of detention and abuse
2. Circumstances of arrest and detention
3. Initial and subsequent places of detention (chronology, transportation, and detention conditions)
4. Narrative account of events under investigation in each place of detention (torture and other ill treatment)
5. Review of torture methods and other ill treatment

X.- PHYSICAL SYMPTOMS AND DISABILITIES

(Istanbul Protocol, Chapter V, Paragraph b, Numbers 1 and 2)

Describe the development of acute and chronic symptoms and disabilities and the subsequent healing processes.

Treatment of acute and chronic symptoms (medical and psychological)

XI.- PHYSICAL EXAMINATION
(Istanbul Protocol, Chapter V, Paragraph C)

1. General appearance and vital signs

2. Skin

3. Face: a).- Eyes. b).- Ears. c).- Nose. d).- Jaw, oropharynx and neck.

4. Oral cavity and teeth

5. Chest

6. Abdomen

7. Genito-urinary system

8. Gynecological and proctological examination. Subject to consent.

9. Musculoskeletal system

10. Neurological examination (cranial nerves, sensory organs, and peripheral nervous system)

The examination concludes. Date and time: _____

XII.- PSYCHOLOGICAL HISTORY/EXAMINATION

(Istanbul Protocol, Chapter VI,

- Start time and date of the psychological assessment and physical condition of the premises

At 00:00 hours on _____, 20__, I had at sight in _____ a person who claimed to be called: _____, and to be _____ years old, with the following characteristics:

1. Examination of mental state

2. Pre- and post-torture history

3. Characteristics of personal development

- a) Primary family unit
- b) Academic development
- c) Professional development
- d) Psychosexual development
- e) Secondary family unit
- f) Self-perception
- g) Emotional aspect
- h) Interpersonal relationships

4. Current psychological complaints

5. Past psychological/psychiatric history

6.- History of substance use and abuse

7.- Assessment of social function

8. Psychological tests and results

9. Applied neuropsychological tests and results

The examination concludes. Date and time: _____

**XIII.- TECHNICAL CONSIDERATIONS
(Theoretical framework)**

Medical

Psychological

**XIV.- INTERPRETATION OF FINDINGS
(LEGAL MEDICAL AND PSYCHOLOGICAL ANALYSIS)**

1. Physical evidence

Correlate the degree of consistency between the history of acute and chronic physical symptoms and disabilities with allegations of abuse.

Correlate the degree of consistency between physical examination findings and allegations of abuse. (Note: The absence of physical findings does not exclude the possibility that torture or ill treatment was inflicted.)

Correlate the degree of consistency between examination findings of the individual with knowledge of torture methods used in a particular region and their common after-effects.

2. Psychological evidence:

Correlate the degree of consistency between the psychological findings and the report of alleged torture.

Provide an assessment of whether the psychological findings are expected or typical reactions to extreme stress within the cultural and social context of the individual.

Indicate the status of the individual in the fluctuating course of trauma-related mental disorders over time, i.e. what is the time frame in relation to the torture events and where in the course of recovery is the individual?

Identify any coexisting stressors impinging on the individual (e.g. the impact these may have on the individual).

Mention physical conditions that may contribute to the clinical picture, especially with regard to possible evidence of head injury sustained during torture or detention.

XV.- DIAGNOSTIC MEDICAL AND PSYCHOLOGICAL TESTS

XVI.- MEDICAL AND PSYCHOLOGICAL CONSULTATIONS FOR THE CASE

XVII.- CONCLUSIONS AND RECOMMENDATIONS

1. Statement of opinion on the consistency between all sources of evidence cited above (physical and psychological findings, historical information, photographic findings, diagnostic test results, knowledge of regional practices of torture, consultation reports, etc.) and allegations of torture and ill treatment.
2. Reiterate the symptoms and disabilities from which the individual continues to suffer as a result of the alleged abuse.

3. Provide any recommendations for further evaluation and care for the individual.

Medical

Psychological

**XVIII.- STATEMENT OF TRUTHFULNESS BY THE MEDICAL AND
PSYCHOLOGICAL EXPERTS REGARDING THEIR INVOLVEMENT IN THE
PRESENT CASE**

**XIX.- STATEMENT OF TRUTHFULNESS AND OF RESTRICTIONS DURING
THE MEDICAL AND PSYCHOLOGICAL INVESTIGATION**

XX.- ADD MEDICAL AND PSYCHOLOGICAL ENCLOSURES

XXI.- LITERATURE REVIEW

XXII.- EXPERTS' SIGNATURES

Yours faithfully

Forensic Doctor

Forensic Psychologist

MEDICAL ENCLOSURES

- A) ANATOMICAL DRAWINGS
- B) PHOTOGRAPHIC IMAGES
- C) INJURY CORRELATION CHART, WHERE APPLICABLE
- D) OTHER

PSYCHOLOGICAL ENCLOSURES

A.20 LETTER OF SUBMISSION OF THE MEDICAL AND PSYCHOLOGICAL REPORT

Initial information

- Heading with the name of the Department of Expert Services
- Heading with the name of the Directorate-General
- Name of the administrative unit
- Sheet number
- Subject
- Place and date
- Name and function of the recipient

Core content

- Background to the request
- Request
- Need to report on compliance with the request

Closing information

- Expert's name and signature
- Address of the issuing administrative unit



**SAMPLE
CRIMINAL INVESTIGATION AGENCY
Department of Expert Services**

Directorate-General of Forensic Medicine Specialties
Department of **Forensic Medicine**

**DGEMF LETTER: XXXX.
DGCSP SHEET: XXXX.
FILE: XXX.**

SUBJECT: SUBMISSION OF REPORT.

Mexico City,, 20 .

**XXXXXXX
HAND-DELIVERED.**

By agreement of SARA MONICA MEDINA ALEGRIA, Director of the Department of Expert Services, in relation to the aforementioned criminal investigation, I hereby deliver to you, in an official, sealed white folder distinguished by a hologram, the documentation pertaining to the Expert Medical and Psychological Report for Cases of Alleged Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of **XXXXXXXXXXXXX** on **sheet number XXX/XXX dated XXX XXXX, XXXXX**, carried out by **Dr. XXXX**. The Report found that **XXXXXXX**.

The documentation for the requesting authority comprises:

- 1.- *Original Report on grey paper*
- 1.- Original Report on blue paper, for the subject
- 1.- Original and copy of Informed Consent for Medicine and Psychology
- 1.- Original and copy of the narrative account

XXXXXXXXXX

The Psychological Report and original photographic images requested were sent to you previously.

The Psychological Report served as a basis for the issuance of the present Expert Report, and the photographic images served as illustrative evidence.

We hereby declare that we have complied with your request.

**YOURS FAITHFULLY
DIRECTOR-GENERAL
OF FORENSIC MEDICINE SPECIALTIES**

DR. FRANCISCO ESCOBAR VALDEZ.

B. ADVERSARIAL CRIMINAL JUSTICE SYSTEM

B.1 HANDOVER OF DETAINEE

Identifying information

- Date and time
- Federative entity
- Town/city or borough

Content

- Authority handing the detainee over
- Authority to which the detainee is handed over
- Reason for detention
- Identity of the detainee according to the information provided
- Physical description of the detainee
- Narrative account of the events
- Circumstances of detention if the detainee resisted arrest
- Interviews
- Items secured
- Enclosures
- Legal grounds

Closing information

- Name and signature of the police officer in charge

SAMPLE

HANDOVER OF DETAINEE

Date: D/ [] [] M/ [] [] Y/ [] [] [] [] Time: [] [] [] []

Federative entity:	
Town/city or borough:	

AUTHORITY HANDING OVER	
Name:	
Function:	
Department:	
Official address:	
Official phone no.:	
Email address:	

AUTHORITY TO WHICH THE DETAINEE IS HANDED OVER	
Name:	
Function:	

REASON FOR DETENTION		
In flagrante delicto ()	Urgent case ()	Court order ()
Order document:		
Investigation file number:		
Date and time of detention:		
Date and time of handover:		

DETAINEE'S IDENTITY ACCORDING TO THE INFORMATION PROVIDED		
Name(s):		
Paternal surname:		
Maternal surname:		
Age:	Gender: Male ()	Female ()
Nickname:		

PHYSICAL DESCRIPTION OF THE DETAINEE	
Build:	
Complexion:	
Skin colour:	
Hair colour and type:	
Beard and/or moustache:	
Distinguishing features:	

Observable physical condition:	
Medication declared:	
Observable injuries:	

NARRATIVE ACCOUNT OF EVENTS (specific and in chronological order):	
When?	
Where?	
What?	
Who?	
How?	
For what reason?	
To what end?	

CIRCUMSTANCES OF DETENTION IF THE DETAINEE RESISTED ARREST
Describe the manner in which arrest was resisted and whether there was a need to have recourse to the legitimate use of force, indicating the actions taken to make the arrest.

--

INTERVIEWED PERSONS					
Was interviewed:	Yes () No ()				
Name	Victim	Injured party	Witness	Complainant	Plaintiff or equivalent

ITEMS SECURED		
Type	Description	Where kept

ENCLOSURES		
No.	Type	Sheet

Grounds: _____

Name and signature of police officer in charge

Initial information

- Issuing division
- Date
- Time
- Sheet
- Letter number
- Date of the event
- Subject
- Recipient
- Issuing officer
- Function
- Section
- Shift
- Involvement

Core content

- Classification and location of the event
- Person involved and physical description
- Details of detention
- Objects recovered
- Details of the detainee
- Account of the event

Closing information

- Name and signature of the officer who completed the report

SAMPLE

Informe Policial Homologado

Datos Generales de Registro

Área emisora: _____ Fecha: _____ Hora: _____
Unidad administrativa que respalda al informe Fecha en la que se emite el informe Hora en la que se emite el informe

Folio: _____ No. ~~Serie~~ _____ Fecha del evento: _____ Hora del evento: _____
El número genera este número de manera automática. Se asigna la numeración a la que pertenece el elemento

Asunto: _____ Dirigido a: _____
Describe el caso del informe Nombre del sujeto a quien se dirige el informe

Oficial remitente: _____ Cargo: _____
Nombre del oficial participante en la actividad e investigación y que emite el Informe Policial Homologado

Sector: _____ Turno: _____
Describe el sector al que pertenece el elemento policial Fecha de turno en el que ocurrió el evento (2,3,3x4)

Participación
Tipo de participación que tuvo el elemento que emite el IPH
Ejecución Apoyo Conocimiento

Clasificación del evento	Persona involucrada 3
<p>Presunto hecho delictivo <input type="checkbox"/></p> <p>Falta Administrativa <input type="checkbox"/></p> <p>Accidente <input type="checkbox"/></p> <p>Usar UNICAMENTE en caso de participar en operativo</p> <p>Tipo de operativo:</p> <p>Operativo Único <input type="checkbox"/> Operativo Conjunto <input type="checkbox"/></p> <p>Exclusivo para operativos conjuntos:</p> <p>Nombre de los Responsables por Institución: _____</p> <p><small>Resumen responsable a cargo del oficial de la policía participante en el operativo y que respalda el informe</small></p> <p>Nombre del elemento responsable del operativo: _____</p> <p><small>Elemento responsable que emite</small></p>	<p>Calidad:</p> <p><input type="checkbox"/> Viva <input type="checkbox"/> Muerta <input type="checkbox"/> Desconocida <input type="checkbox"/> Liberada <input type="checkbox"/> Lesionada <input type="checkbox"/> Otra: _____</p> <p><small>En caso de que la persona sea extranjera</small></p> <p>Estancia: _____</p> <p>Legal <input type="checkbox"/> Ilegal <input type="checkbox"/></p> <p>Origen: _____</p> <p>Destino: _____</p>
<p>Ubicación del evento</p> <p>Lugar de ocurrencia:</p> <p><small>Selecciona el lugar en el que ocurrió el evento</small></p> <p><input type="checkbox"/> Lugar de esparcimiento <input type="checkbox"/> Comercio y área de servicios</p> <p><input type="checkbox"/> Transporte Público <input type="checkbox"/> Cametera</p> <p><input type="checkbox"/> Calle <input type="checkbox"/> Escuela</p> <p><input type="checkbox"/> Oficina <input type="checkbox"/> Vivienda</p> <p><input type="checkbox"/> Camino <input type="checkbox"/> Otro: Especifique _____</p> <p>Calle: _____</p> <p><small>Describe el nombre de la calle donde ocurrió el evento</small></p> <p>No. exterior: _____ No. interior: _____</p> <p><small>En caso de que sea exterior, escribe el número exterior e interior del domicilio donde ocurrió el evento</small></p> <p>Código Postal: _____ Localidad: _____</p> <p><small>Describe el nombre de la localidad, población o cabecera en donde ocurrió el evento</small></p> <p>Municipio o Delegación: _____</p> <p>Estado: _____</p> <p>Entre calle: _____ y Calle _____</p> <p><small>En caso de que se conozca, escribe entre qué calles ocurrió el evento</small></p> <p>Referencias: _____</p> <p><small>Describe las referencias que faciliten la ubicación del lugar en el que ocurrió el evento</small></p> <p>Tramo Carretero: _____ Kilómetro: _____</p> <p>UNICAMENTE en caso de contar con GPS realizar el llenado del siguiente apartado:</p> <p>Latitudes: _____ N</p> <p>Longitudes (-): _____ O</p> <p>Elegir la unidad de medida que aparece en el lector:</p> <p>Decimal <input type="checkbox"/> Geográficas <input type="checkbox"/></p> <p><small>Áreas decimales Áreas coordenadas (Grados, Minutos y Segundos)</small></p> <p>Con detenido SI <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Media Filación</p> <p>Media filación: _____</p> <p>Estatura: _____ Complexión: _____</p> <p><small>(Delgada, Normal, Mediana, Delgada)</small></p> <p>Taz: <input type="checkbox"/> Blanco <input type="checkbox"/> Moreno <input type="checkbox"/> Negro <input type="checkbox"/> Albino</p> <p>Color de ojos: <input type="checkbox"/> Café <input type="checkbox"/> Café Claro <input type="checkbox"/> Azul <input type="checkbox"/> Verde <input type="checkbox"/> Gris</p> <p>Tipo de labios: <input type="checkbox"/> Gruesos <input type="checkbox"/> Regulares <input type="checkbox"/> Delgados</p> <p>Tipo de cejas: <input type="checkbox"/> Pobladas <input type="checkbox"/> Escasas</p> <p>Tipo de nariz: <input type="checkbox"/> Recta <input type="checkbox"/> Aplanaada <input type="checkbox"/> Ancha</p> <p>Tipo de mentón: <input type="checkbox"/> Prominente <input type="checkbox"/> Regular <input type="checkbox"/> Retraído</p> <p>Color de cabello: <input type="checkbox"/> Negro <input type="checkbox"/> Castaño <input type="checkbox"/> Castaño claro <input type="checkbox"/> Rubio <input type="checkbox"/> Cano <input type="checkbox"/> Entrecano</p> <p>Tipo de baraba: <input type="checkbox"/> Si <input type="checkbox"/> No</p> <p>Tipo de Bigote: <input type="checkbox"/> Recortado <input type="checkbox"/> Crecido <input type="checkbox"/> Pintado <input type="checkbox"/> No aplica</p> <p>Especifique: _____</p> <p>Señas Particulares</p> <p>Tipo <input type="checkbox"/> Tatuaje <input type="checkbox"/> Cicatrices <input type="checkbox"/> Discapacidad <input type="checkbox"/> Perforaciones</p> <p>Ubicación <input type="checkbox"/> Cabeza <input type="checkbox"/> Tronco <input type="checkbox"/> Mano derecha <input type="checkbox"/> Mano Izquierda <input type="checkbox"/> Brazo derecho <input type="checkbox"/> Brazo Izquierdo <input type="checkbox"/> Pierna Derecha <input type="checkbox"/> Pierna Izquierda <input type="checkbox"/> Pie Derecho <input type="checkbox"/> Pie Izquierdo <input type="checkbox"/> Pecho <input type="checkbox"/> Vientre <input type="checkbox"/> Espalda <input type="checkbox"/> Cuello</p>

<p>Orden de aprehensión y/o Presentación <input type="checkbox"/> <input type="checkbox"/></p> <p>Orden ministerial por caso urgente <input type="checkbox"/> <input type="checkbox"/></p> <p>Provisional con fines de extradición <input type="checkbox"/> <input type="checkbox"/></p> <p>Otro: _____</p> <p>Número de oficio/mandamiento al que se le da la atención: _____</p> <p>Se hizo del conocimiento del detenido los derechos que le asisten: SI <input type="checkbox"/> No <input type="checkbox"/></p> <p>Observaciones: <small>Señalar las circunstancias en las que se hizo del conocimiento del detenido los derechos que le asisten, o en su caso las razones que lo impidieron.</small></p> <p>_____</p> <p>_____</p>	<p>Observaciones: <small>Señalar los datos particulares e información que considere relevante.</small></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Objetos asegurados</p> <p>Requisitar ÚNICAMENTE en el caso de asegurar objetos y en aquellos que resulten aplicables.</p>
<p>Datos del Detenido</p> <p><small>Usar únicamente con el detenido. Responder ÚNICAMENTE las preguntas de los cuales tenga información. No dar el nombre completo de la persona involucrada.</small></p> <p>Nombre(s): _____</p> <p>Apellido paterno: _____</p> <p>Apellido materno: _____</p> <p>Alias: _____</p> <p><small>Se refiere al apodo o sobrenombre de la persona involucrada.</small></p> <p>Nacionalidad: _____ Grupo étnico: _____</p> <p><small>País de origen Nombre de la etnia</small></p> <p>Edad: _____ Fecha de nacimiento: _____</p> <p>CURP: _____ Sexo: M <input type="checkbox"/> F <input type="checkbox"/></p> <p>RFC: _____</p> <p>Credencial con la que se identificó:</p> <p><input type="checkbox"/> IFE/INE <input type="checkbox"/> Otra <input type="checkbox"/></p> <p><input type="checkbox"/> Licencia de conducir <input type="checkbox"/> Especifique: _____</p> <p><input type="checkbox"/> Cédula profesional</p> <p>Número: _____</p> <p>Domicilio: _____</p> <p>_____</p> <p><small>Calle, número exterior, número interior, colonia, localidad, Delegación/Política o Municipio, Entidad Federativa y código postal.</small></p> <p>Ocupación: _____</p> <p>Escolaridad: _____</p> <p><small>Nivel máximo de estudios</small></p> <p>Estado civil: _____</p> <p><small>Esposa actual</small></p> <p>En caso de que la persona sea extranjera</p> <p>Estancia: legal <input type="checkbox"/> ilegal <input type="checkbox"/></p> <p>Origen: _____</p> <p>Destino: _____</p>	<p>Armas</p> <p>Coloque una X en la opción que corresponda:</p> <p>Arma Blanca <input type="checkbox"/></p> <p>De fuego: Corta <input type="checkbox"/> Larga <input type="checkbox"/></p> <p>Cantidad: _____</p> <p>Observaciones: <small>Para el caso de arma de fuego señalar modelo, calibre, medida, número de serie, tamaño, color y el nombre de quien la posea y en caso de que se trate de arma específica.</small></p> <p>_____</p> <p>_____</p>
<p>Media Filación</p> <p>Media filación: _____</p> <p>Estatura: _____ Complexión: _____</p> <p><small>(Delgado, promedio, Mediano, Delgado)</small></p>	<p>Artefactos explosivos</p> <p>Tipo: _____</p> <p>Cantidad: _____</p> <p>Nombre comercial: _____</p> <p>Componentes principales: _____</p> <p>_____</p> <p>Unidad de medida: _____</p> <p>Origen/procedencia: _____</p> <p>Condiciones: _____</p> <p>Lugar en el que se localizó: _____</p> <p>Observaciones: <small>Señalar cualquier tipo de información que se considere relevante y en caso de que se trate de arma específica.</small></p> <p>_____</p> <p>_____</p>
<p>Tez:</p> <p><input type="checkbox"/> Blanco</p> <p><input type="checkbox"/> Moreno</p> <p><input type="checkbox"/> Negro</p> <p><input type="checkbox"/> Albino</p> <p>Color de ojos:</p> <p><input type="checkbox"/> Café</p> <p><input type="checkbox"/> Café Claro</p> <p><input type="checkbox"/> Azul</p> <p><input type="checkbox"/> Verde</p> <p><input type="checkbox"/> Gris</p> <p>Tipo de labios:</p> <p><input type="checkbox"/> Gruesos</p> <p><input type="checkbox"/> Regulares</p> <p><input type="checkbox"/> Delgados</p> <p>Tipo de cejas:</p> <p><input type="checkbox"/> Pobladas</p> <p><input type="checkbox"/> Escasas</p> <p>Tipo de nariz:</p> <p><input type="checkbox"/> Recta</p> <p><input type="checkbox"/> Aplanada</p> <p><input type="checkbox"/> Ancha</p> <p>Tipo de mentón:</p> <p><input type="checkbox"/> Prominente</p> <p><input type="checkbox"/> Regular</p> <p><input type="checkbox"/> Retraído</p>	<p>Cargadores/cartuchos/casquillos/granadas/municiones</p> <p>Coloque una X en la opción que corresponda:</p> <p><input type="checkbox"/> Cargadores de cartuchos</p> <p><input type="checkbox"/> Cartuchos</p> <p><input type="checkbox"/> Casquillos</p> <p><input type="checkbox"/> Granadas</p> <p><input type="checkbox"/> Municiones</p> <p>Calibre/tipo: _____ Número: _____</p> <p>Observaciones: <small>En caso de que se considere pertinente anotar cualquier tipo de información que se considere relevante y en caso de que se trate de arma específica.</small></p> <p>_____</p> <p>_____</p>

1-g.III

<p>Color de cabello</p> <input type="checkbox"/> Negro <input type="checkbox"/> Castaño <input type="checkbox"/> Castaño claro <input type="checkbox"/> Rubio <input type="checkbox"/> Curo <input type="checkbox"/> Entrecano <p>Tipo de baraba</p> <input type="checkbox"/> Si <input type="checkbox"/> No <p>Tipo de Bigote</p> <input type="checkbox"/> Recortado <input type="checkbox"/> Crecido <input type="checkbox"/> Pintado <input type="checkbox"/> No aplica <p>Especifique:</p> <p>_____</p> <p>_____</p> <p>Señas Particulares</p> <p>Tipo</p> <input type="checkbox"/> Tatuaje <input type="checkbox"/> Cicatrices <input type="checkbox"/> Discapacidad <input type="checkbox"/> Perforaciones <p>Ubicación</p> <input type="checkbox"/> Cabeza <input type="checkbox"/> Tronco <input type="checkbox"/> Mano derecha <input type="checkbox"/> Mano Izquierda <input type="checkbox"/> Brazo derecho <input type="checkbox"/> Brazo izquierdo <input type="checkbox"/> Pierna Derecha <input type="checkbox"/> Pierna Izquierda <input type="checkbox"/> Pie Derecho <input type="checkbox"/> Pie Izquierdo <input type="checkbox"/> Pecho <input type="checkbox"/> Vientre <input type="checkbox"/> Espalda <input type="checkbox"/> Cuello <p>Observaciones: <small>Para describir señas particulares e información que considere relevante</small></p> <p>_____</p> <p>_____</p>	<p>Equipo táctico</p> <p>Coloque una X en la opción que corresponda:</p> <table border="0"> <tr> <td><input type="checkbox"/> Binoculares</td> <td>Equipo de Comunicación</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> Cartucheras</td> <td>Esposas</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> chaleco</td> <td>Mascarillas</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> Uniformes</td> <td>Otros:</td> <td><input type="checkbox"/></td> </tr> </table> <p>Marca: _____</p> <p>Modelo: _____</p> <p>Unidad de medida: _____</p> <p>Cantidad: _____</p> <p>No. serie: _____</p> <p>No. de inventario: _____</p> <p>Observaciones: <small>En caso de que le considere pertinente, escriba cualquier tipo de información que se considere relevante y en caso de anexar formato especificar</small></p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Binoculares	Equipo de Comunicación	<input type="checkbox"/>	<input type="checkbox"/> Cartucheras	Esposas	<input type="checkbox"/>	<input type="checkbox"/> chaleco	Mascarillas	<input type="checkbox"/>	<input type="checkbox"/> Uniformes	Otros:	<input type="checkbox"/>
<input type="checkbox"/> Binoculares	Equipo de Comunicación	<input type="checkbox"/>											
<input type="checkbox"/> Cartucheras	Esposas	<input type="checkbox"/>											
<input type="checkbox"/> chaleco	Mascarillas	<input type="checkbox"/>											
<input type="checkbox"/> Uniformes	Otros:	<input type="checkbox"/>											
<p>Estado físico de la persona detenida</p>	<p>Drogas de abuso</p> <p>Tipo: _____ Cantidad: _____</p> <p>Unidad de medida: _____</p> <p>Coloque una X en la opción que corresponda: <small>Realice descripción de la droga, seleccionar solamente las rubros aplicables</small></p> <p>Embalaje <input type="checkbox"/> Describa: _____</p> <p>Sellos <input type="checkbox"/> Describa: _____</p> <p>Color de la droga: _____</p> <p>Observaciones: <small>En caso de que le considere pertinente, escriba cualquier tipo de información que se considere relevante y en caso de anexar formato especificar</small></p> <p>_____</p> <p>_____</p>												
<p>El detenido presentó lesiones: Si <input type="checkbox"/> No <input type="checkbox"/></p> <p>Requisito sólo en el caso de que el detenido presente lesiones</p> <p>Dictamen de estado físico: Si <input type="checkbox"/> No <input type="checkbox"/></p> <p><small>Declaro si se realizó el dictamen de estado físico del detenido</small></p> <p>Llenar UNICAMENTE si se cuenta con dictamen físico:</p> <p>Fecha de elaboración: _____</p> <p>Perito o médico emisor: _____</p> <p>Seleccione la opción aplicable</p> <p>Las lesiones son producto de la detención <input type="checkbox"/></p> <p>Las lesiones son anteriores a la detención <input type="checkbox"/></p> <p>Institución o unidad administrativa a la que pertenece el médico que elaboró el dictamen: _____</p> <p>Breve descripción de la dinámica de lesiones:</p> <p>_____</p> <p>_____</p>	<p>Material Apócrifo</p> <p>Tipo: _____ Unidad de medida: _____</p> <p>Cantidad: _____</p> <p>Observaciones: <small>En caso de que le considere pertinente, escriba cualquier tipo de información que se considere relevante y en caso de anexar formato especificar</small></p> <p>_____</p> <p>_____</p>												
<p>Ubicación del detenido</p> <p>Autoridad a la que fue puesto a disposición: _____</p> <p>Nombre y cargo de quien lo recibió: _____</p> <p>Fecha en la que fue puesto a disposición: _____</p> <p>Turno: _____ Número de documento: _____</p> <p>Especifique la forma y los medios empleados para su traslado</p> <p>_____</p> <p>_____</p>	<p>Numerario</p> <p><small>Especificar cantidad con número y con letra</small></p> <p>Dívida: _____</p> <p>Importe: _____</p> <p>Curso legal en el país: Si <input type="checkbox"/> No <input type="checkbox"/></p> <p>Observaciones: <small>En caso de que le considere pertinente, escriba cualquier tipo de información que se considere relevante y en caso de anexar formato especificar</small></p> <p>_____</p> <p>_____</p> <p>Vehículos</p> <p>Coloque una X en la opción que corresponda:</p> <p>Terrestre: <input type="checkbox"/></p> <p>Marca: _____ Submarca: _____</p> <p><small>Identificadora</small> <small>Clase o nombre del vehículo</small></p> <p>Tipo: _____</p> <p><small>Características del vehículo</small></p> <p>Año-modelo: _____ Placa-matriculac: _____</p> <p><small>Año de fabricación</small> <small>País o matrícula de circulación</small></p> <p>Blindaje: Si <input type="checkbox"/> No <input type="checkbox"/></p> <p>Especifique:</p> <p>_____</p> <p>_____</p>												

Personas Involucradas	
Persona involucrada 1	
La persona involucrada se encuentra como: Víctima/Ofendido <input type="checkbox"/> Testigo <input type="checkbox"/> Inculpado <input type="checkbox"/> Denunciante <input type="checkbox"/>	
Apellido paterno/Primer Apellido: _____ Apellido materno/Segundo Apellido: _____ Nacionalidad: _____ País de origen: _____ Grupo étnico: _____ <small>Si es el aplica escribir el nombre de la etnia</small> Edad: _____ Fecha de nacimiento: _____ RFC: _____ Sexo: M <input type="checkbox"/> F <input type="checkbox"/>	
En caso que se haya identificado, credencial con la que se identificó: <input type="checkbox"/> IFE/INE <input type="checkbox"/> Licencia de conducir <input type="checkbox"/> Cédula profesional Número: _____ <input type="checkbox"/> Otra Especifique: _____ Domicilio: _____ <small>Calle, número exterior, número interior, colonia/localidad, Delegación/Pública o Municipio, entidad federativa y código postal.</small> Ocupación: _____ <small>Empleador actual</small> Escolaridad: _____ <small>Nivel máximo de estudios</small> Calidad: <input type="checkbox"/> Viva <input type="checkbox"/> Muerta <input type="checkbox"/> Desconocida <input type="checkbox"/> Liberada <input type="checkbox"/> Lesionada <input type="checkbox"/> Otra: _____ En caso de que la persona sea extranjera: Estancia: <input type="checkbox"/> Legal <input type="checkbox"/> Ilegal <input type="checkbox"/> Origen: _____ Destino: _____	
Media Filiación	
Media filiación: Estatura: _____ Complexión: _____ <small>(Delgada, robusta, Mediana, Delgada)</small> Taz: <input type="checkbox"/> Blanco <input type="checkbox"/> Moreno <input type="checkbox"/> Negro <input type="checkbox"/> Albino Color de ojos: <input type="checkbox"/> Café <input type="checkbox"/> Café Claro <input type="checkbox"/> Azul <input type="checkbox"/> Verde <input type="checkbox"/> Gris Tipo de labios: <input type="checkbox"/> Gruesos <input type="checkbox"/> Regulares <input type="checkbox"/> Delgados Tipo de cejas: <input type="checkbox"/> Pobladas <input type="checkbox"/> Escasas Tipo de nariz: <input type="checkbox"/> Recta <input type="checkbox"/> Aplanada <input type="checkbox"/> Ancha Tipo de mentón: <input type="checkbox"/> Prominente <input type="checkbox"/> Regular <input type="checkbox"/> Retraído	
País de procedencia: México <input type="checkbox"/> Estados Unidos <input type="checkbox"/> Otro <input type="checkbox"/> En caso de otro especifique: _____ Color: _____ Número de serie: _____ Número de motor: _____ Marítimo: <input type="checkbox"/> Nombre del buque: _____ Señal distintiva: _____ Tipo de buque: _____ Agencia marítima: _____ Medida: _____ Caballaje de Motor: _____ Matrícula: _____ Marca de nacionalidad: _____ Datos adicionales de uso general: Capacidad: _____ Uso: _____ <small>País que puede transportar País en el que se utilizó</small> Procedencia: _____ <small>País en el que se fabricó</small> Empresa: _____ <small>Empresa a la que pertenece el transporte</small> Tipo/capacidad de carga: _____ Origen: _____ Destino: _____ <small>Procedencia del vehículo/carga Lugar al que se dirige el vehículo/carga</small> Aéreo: <input type="checkbox"/> De ala fija <input type="checkbox"/> De ala rotatoria <input type="checkbox"/> Nombre del fabricante: _____ Designación de modelo: _____ Número de serie: _____ Matrícula: _____ Marca de nacionalidad: _____ Datos adicionales de uso general: Capacidad: _____ Uso: _____ <small>País que puede transportar País en el que se utilizó</small> Procedencia: _____ <small>País en el que se fabricó</small> Empresa: _____ <small>Empresa a la que pertenece el transporte</small> Tipo/capacidad de carga: _____ Origen: _____ Destino: _____ <small>Procedencia del vehículo/carga Lugar al que se dirige el vehículo/carga</small>	
Inmuebles	
Situación: Asegurado <input type="checkbox"/> Revisado <input type="checkbox"/> Relacionado <input type="checkbox"/> Recuperado <input type="checkbox"/> En caso de otro, especifique: _____ Observaciones: _____ Tipo: <input type="checkbox"/> Casa <input type="checkbox"/> Departamento <input type="checkbox"/> Otro <input type="checkbox"/> Rancho <input type="checkbox"/> Terreno con construcción <input type="checkbox"/> Terreno sin construcción <input type="checkbox"/> Dirección del Bien Inmueble Asegurado Calle: _____ <small>Escriba el nombre de la calle donde ocurrió el suceso</small> No. exterior: _____ No. interior: _____ <small>En caso de que sea apalilado, escriba el número exterior e interior del domicilio donde ocurrió el suceso</small> Código Postal: _____ Localidad: _____ <small>Escriba el nombre de la localidad, población o asentado</small> Municipio o Delegación: _____ Estado: _____ Entre calle: _____ y Calle _____ <small>En caso de que se conozca, escriba entre qué calles ocurrió el suceso</small> Referencias: _____ <small>Escriba las referencias que faciliten la ubicación del lugar en el que ocurrió el suceso</small>	

<p>Color de cabello</p> <input type="checkbox"/> Negro <input type="checkbox"/> Castaño <input type="checkbox"/> Castaño claro <input type="checkbox"/> Rubio <input type="checkbox"/> Cano <input type="checkbox"/> Entrecano	<p>Tipo de barba</p> <input type="checkbox"/> Sí <input type="checkbox"/> No	<p>Tipo de Bigote</p> <input type="checkbox"/> Recortado <input type="checkbox"/> Crecido <input type="checkbox"/> Pintado <input type="checkbox"/> No aplica
<p>Especifique: _____</p>		
<p>Señas Particulares</p> <p>Tipo</p> <input type="checkbox"/> Tatuaje <input type="checkbox"/> Cicatrices <input type="checkbox"/> Discapacidad <input type="checkbox"/> Perforaciones		
<p>Ubicación</p> <input type="checkbox"/> Cabeza <input type="checkbox"/> Tronco <input type="checkbox"/> Mano derecha <input type="checkbox"/> Mano Izquierda <input type="checkbox"/> Brazo derecho <input type="checkbox"/> Brazo Izquierdo <input type="checkbox"/> Pierna Derecha <input type="checkbox"/> Pierna Izquierda <input type="checkbox"/> Pie Derecho <input type="checkbox"/> Pie Izquierdo <input type="checkbox"/> Pecho <input type="checkbox"/> Vientre <input type="checkbox"/> Espalda <input type="checkbox"/> Cuello		
<p>Observaciones: <small>No describe señas particulares e información que considere relevante</small></p> <p>_____</p> <p>_____</p> <p>_____</p>		
Persona involucrada 2		
<p>La persona involucrada se encuentra como: Victima/Ofendido <input type="checkbox"/> Testigo <input type="checkbox"/> Inculpado <input type="checkbox"/> Denunciante <input type="checkbox"/></p> <p>Apellido paterno/Primer Apellido: _____</p> <p>Apellido materno/segundo Apellido: _____</p> <p>Nacionalidad: _____ <small>País de origen</small></p> <p>Grupo étnico: _____ <small>Indicar si aplica según el momento de la vida</small></p> <p>Edad: _____ Fecha de nacimiento: _____</p> <p>RFC: _____ Sexo: M <input type="checkbox"/> F <input type="checkbox"/></p> <p>En caso que se haya identificado, credencial con la que se identificó: <input type="checkbox"/> IFE/INE <input type="checkbox"/> Licencia de conducir <input type="checkbox"/> Cédula profesional Número: _____ <input type="checkbox"/> Otra Especifique: _____</p> <p>Domicilio: _____</p> <p><small>Calle, número exterior, número interior, colonia (localidad), Delegación, Política o Municipio, código postal y código postal.</small></p> <p>Ocupación: _____ Escolaridad: _____ <small>Empleador actual</small> <small>Último instituto de estudios</small></p> <p>Calidad: <input type="checkbox"/> Viva <input type="checkbox"/> Muerta <input type="checkbox"/> Desconocida <input type="checkbox"/> Liberada</p> <p>En caso de que la persona sea extranjera: Estancia: Legal <input type="checkbox"/> Ilegal <input type="checkbox"/></p>		
<p>UNICAMENTE en caso de contar con GPS realizar el llenado del siguiente apartado:</p> <p>Latitudes: _____ N Longitudes(-): _____ O</p> <p>Elegir la unidad de medida que aparece en el lector:</p> <p>Decimales <input type="checkbox"/> <small>Antes de los decimales</small> Coordenadas <input type="checkbox"/> Geográficas <small>Antes de coordenadas (Grados, Minutos y Segundos)</small></p> <p>Observaciones: _____</p> <p><small>No describa señas particulares e información que considere relevante</small></p>		
Pista de aterrizaje		
<p>Tipo: Clandestina <input type="checkbox"/> Autorizada <input type="checkbox"/></p> <p>Condiciones: Terracería <input type="checkbox"/> Pavimentada <input type="checkbox"/></p> <p>Descripción: _____</p> <p>Localización: _____</p> <p>_____</p> <p>_____</p>		
<p>UNICAMENTE en caso de contar con GPS realizar el llenado del siguiente apartado:</p> <p>Latitudes: _____ N Longitudes(-): _____ O</p> <p>Elegir la unidad de medida que aparece en el lector:</p> <p>Decimales <input type="checkbox"/> <small>Antes de los decimales</small> Coordenadas <input type="checkbox"/> Geográficas <small>Antes de coordenadas (Grados, Minutos y Segundos)</small></p> <p>Observaciones: _____</p> <p><small>No describa señas particulares e información que considere relevante</small></p>		
Plantíos o Secadero		
<p>Coloque una X en la opción que corresponda:</p> <p>Amapola <input type="checkbox"/> Marihuana <input type="checkbox"/> Mixto <input type="checkbox"/> Otros <input type="checkbox"/></p> <p>Superficie: _____ Densidad: _____ Altura promedio: _____ Peso por planta: _____ Peso total: _____ Método de destrucción: Manual <input type="checkbox"/> Fumigación <input type="checkbox"/> Incineración <input type="checkbox"/></p> <p>Localización: _____</p> <p>_____</p> <p>Número de Oficio: _____ Autoridad que Acude: _____</p> <p>UNICAMENTE en caso de contar con GPS realizar el llenado del siguiente apartado:</p> <p>Latitudes: _____ N Longitudes(-): _____ O</p>		

<input type="checkbox"/> Lesionada Otra: _____ Origen: _____ Destino: _____	Elegir la unidad de medida que aparece en el lector: Decimales <input type="checkbox"/> Coordenadas <input type="checkbox"/> <small>Avión decesimales</small> <small>Avión geográfico (Grados, Minutos y Segundos)</small>
Media Filiación	
Observaciones: _____	
Media filiación: Estatura: _____ Complejón: _____ <small>(Delgada, robusta, Mediana, Delgada)</small>	
Tez: <input type="checkbox"/> Blanco <input type="checkbox"/> Moreno <input type="checkbox"/> Negro <input type="checkbox"/> Albino	Color de ojos: <input type="checkbox"/> Café <input type="checkbox"/> Café Claro <input type="checkbox"/> Azul <input type="checkbox"/> Verde <input type="checkbox"/> Gris
Tipo de cejas <input type="checkbox"/> Pobladas <input type="checkbox"/> Escasas	Tipo de nariz <input type="checkbox"/> Recta <input type="checkbox"/> Aplanada <input type="checkbox"/> Ancha
Color de cabello <input type="checkbox"/> Negro <input type="checkbox"/> Castaño <input type="checkbox"/> Castaño claro <input type="checkbox"/> Rubio <input type="checkbox"/> Cano <input type="checkbox"/> Entrecano	Tipo de barba <input type="checkbox"/> Si <input type="checkbox"/> No Tipo de Bigote <input type="checkbox"/> Recortado <input type="checkbox"/> Crecido <input type="checkbox"/> Pintado <input type="checkbox"/> No aplica Especifique: _____
Señas Particulares	
Tipo <input type="checkbox"/> Tatuaje <input type="checkbox"/> Cicatrices <input type="checkbox"/> Discapacidad <input type="checkbox"/> Perforaciones	Ubicación <input type="checkbox"/> Cabeza <input type="checkbox"/> Tronco <input type="checkbox"/> Mano derecha <input type="checkbox"/> Mano Izquierda <input type="checkbox"/> Brazo derecho <input type="checkbox"/> Brazo Izquierdo <input type="checkbox"/> Pierna Derecha <input type="checkbox"/> Pierna Izquierda <input type="checkbox"/> Pie Derecho <input type="checkbox"/> Pie Izquierdo <input type="checkbox"/> Pecho <input type="checkbox"/> Vientre <input type="checkbox"/> Espalda <input type="checkbox"/> Cuello
Observaciones: <small>Por favor describa señas particulares e información que considere relevante</small>	
_____ _____ _____	
Persona involucrada 3	
La persona involucrada se encuentra como: Víctima/Ofendido <input type="checkbox"/> Testigo <input type="checkbox"/> Inculpado <input type="checkbox"/> Denunciante	
Apellido paterno/Primer Apellido: _____	
Apellido materno/segundo Apellido: _____	
Nacionalidad: _____	
Grupo étnico: _____ <small>Indicar si aplica marcar el centro de la mano</small>	
Edad: _____ Fecha de nacimiento: _____	
RFC: _____ Sexo: M <input type="checkbox"/> F <input type="checkbox"/>	
Multimedia	
Fotografías <input type="checkbox"/> Videos <input type="checkbox"/> Audio <input type="checkbox"/>	
Especifique: _____	
Cantidad: _____	
Formato: _____	
Observaciones: <small>Describe el tipo de video, imagen, audio o otro archivo</small>	

<small>En caso de que lo considere pertinente, escriba cualquier tipo de información que sea considerada relevante</small>	

Equipo de comunicaciones	
Marca: _____ Modelo: _____	
<small>Marca del Equipo de Comunicación</small>	
Número: _____ Serie: _____	
<small>Número para establecer comunicación Número de serie del equipo de comunicación</small>	
Número de IMEI: _____	
Tipo: _____ <small>Tipo de equipo de comunicación (descriptivo: teléfono celular, satelital, agenda electrónica, otros)</small>	
Observaciones: _____	

<small>En caso de que se encuentre con formato como específico</small>	

Otros	
Especifique: _____	
Cantidad: _____	
Unidad de medida: _____	
Observaciones: _____	

<small>En caso de que lo considere pertinente, escriba cualquier tipo de información que sea considerada relevante</small>	

Descripción del Evento	
<small>Realice una breve descripción del evento respondiendo a las preguntas: qué, quién, cómo, cuándo, dónde, por qué.</small>	

En caso que se haya identificado, credencial con la que se identificó:

IFE/INE

Licencia de conducir

Cédula profesional Número: _____

Otra Especifique: _____

Domicilio:

Calle, número exterior, número interior, colonia o localidad, Delegación Política o Municipio, entidad federativa y código postal.

Ocupación: _____ Escolaridad: _____

Empleo actual

Nivel máximo de estudios

ATENTAMENTE

**Nombre y Firma del elemento que elaboró el
IPH**

El siguiente formato de Puesta a Disposición deberá ser llenado ÚNICAMENTE cuando exista(n) detenido(s).

Asunto: Puesta a Disposición	
Nombre de la dependencia (Procuraduría General de la República, Secretaría de la Defensa Nacional, Secretaría de Marina, Secretaría de Gobernación, Fiscalía General del Estado de XXXX)	Número de Oficio Número de A.P./Carpeta de Investigación Siglas de la dependencia/de la Unidad Administrativa/del área dependiente/Núm. Consecutivo de expedición/año en curso.
Área o Unidad Administrativa (Policía Federal Ministerial, Comisión Nacional de Seguridad, Policía Ministerial del Estado de XXXXX)	Lugar y Fecha de expedición Leyenda oficial
Autoridad a la que se dirige la puesta a disposición Agente del Ministerio Público Federal, Ministerio Público del Fuero Común, Jueces Federales, Jueces del Fuero Común)	
En atención al oficio <input type="text" value="Número de oficio de origen al que se le da atención y fecha del mismo"/> mediante el cual se instruye dar cumplimiento al <input type="text" value="Mencionar el Tipo de Mandamiento Ministerial/ Judicial u otro (Carpeta de Investigación, Averiguación Previa, Acta Circunstanciada, Denuncia, Diligencia, Causa Penal, Toca Penal)."/>	
con la finalidad de <input type="text" value="Especificar solicitud de la autoridad (Localización, presentación, investigación, aprehensión, etc)"/>	
Narrativa de los hechos en la que se incluya la siguiente información:	
Fecha y hora de la detención Medios empleados de la policía o fuerzas armadas para trasladarse al sitio de la detención En caso de que participen otras instituciones, describir el rol de cada una de ellas. Lugar de la detención Descripción de qué manera se identificó como elemento de la policía o de las fuerzas armadas Descripción de la manera en que le comunicó al imputado el motivo de la detención Descripción de la manera en que le comunicó al detenido los derechos constitucionales que le asisten (Ver cartilla de Derechos) Describir la forma y resultado de la inspección del detenido En caso de que el detenido presente lesiones, describir como se produjeron y si estas son previas o por motivo de la detención. Mencionar si se solicitó atención médica con motivo de las lesiones. Mencionar los vestigio, huellas, instrumentos, producto, o bienes del delito que fueron asegurados así como mencionar el sitio y descripción en el que se localizó cada uno de ellos. Medidas que se tomaron para garantizar la integridad física de los objetos. Nombre de las personas involucradas En caso de realizar entrevistas incluir la información del entrevistado Describir medios empleados para trasladar al (los) detenidos a fin de ponerlos a disposición de la autoridad Anexos (Objetos asegurados debidamente identificados, embalados, y sellados, formatos anexos) Despedida	
<input type="text" value="ATENTAMENTE"/>	
<input type="text" value="Rubro de firma"/>	
<input type="text" value="SOLICITO EFECTIVO: NO RECEPCION"/>	

B.3 CUSTODY CHAIN RECORD

The custody chain record contains the following forms:

- Site of inquiry handover/receipt form
- Custody chain record
- Evidence handover/receipt form

Identifying information

- Investigation file number
- Institution or administrative unit whose civil servants were involved in processing the evidence at the site of inquiry
- Sheet or document number for the investigation
- Site of inquiry
- Date and time of arrival

Content

- Number or alphanumeric code assigned to the evidence, general description and place where they were had at sight
- Methods used to document the evidence
- Materials and/or tools used to collect and package the evidence
- Route taken and, where required, special measure for the transportation of evidence
- Full names of the civil servants involved in processing the evidence at the site of inquiry, institution to which they belong, their function within it, the tasks they performed, and their signatures.
- Record of continuity or traceability of the custody chain (date and time, names of civil servants involved in the handover/receipt of evidence, the institution to which they belong, and their function within it, task or purpose of the transfer of evidence, and signatures)

Closing information

- Once the final destination of the evidence has been established, the section on the “record of continuity and traceability of the chain of custody” shall be completed, specifying: date and time, names of civil servants involved in the handover/receipt of evidence, the institution to which they belong and their function within it, the task or purpose of the transfer of evidence, and signatures.

SAMPLES

SITE OF INQUIRY HANDOVER/RECEIPT FORM

Investigation file

1. **Location of site of inquiry** (Record the administrative unit to which the first official on the scene belongs, federative entity, town/city or borough in which the site of inquiry is located, and the date and time of arrival).

Administrative Unit	Federative Entity	Town/city or borough	Date and time

2. **Civil servant in charge of preservation who is handing over the site of inquiry** (Record his/her full name, function, the date and time of handover, and signature).

Full name	Function	Date and time	Signature

3. **Civil servant receiving the site of inquiry** (Record full name, function, the date and time of receipt, and signature).

Full name	Function	Date and time	Signature

4. **Address or location of the site of inquiry** (Record the complete address or, where appropriate, the location of the site of inquiry).

5. **Simple sketch of the location of the site** (Include landmarks and the direction of traffic for roads).

	
--	---

**SITE OF INQUIRY
HANDOVER/RECEIPT FORM**

Investigation file

6. **Preservation of the site of inquiry** (Indicate the measures taken to preserve the site of inquiry).

7. **Documentation of the site of inquiry** (Mark with an X the additional methods which have been used to document the site of inquiry, along with the full name, function, and signature of the police officers who carried out these tasks).

Photographs	No <input type="checkbox"/>	Yes <input type="checkbox"/>
Videos	No <input type="checkbox"/>	Yes <input type="checkbox"/>
Documentation in writing	No <input type="checkbox"/>	Yes <input type="checkbox"/>

Full name	Function	Signature

8. **Alteration of the site** (Mark with an X as appropriate. If the site has been altered, you must specify the nature of the alterations).

Has the site been altered:	No <input type="checkbox"/>	Sí <input type="checkbox"/>
Type of alteration: phenomena <input type="checkbox"/>	Intentional <input type="checkbox"/>	Emergency services <input type="checkbox"/>
Natural <input type="checkbox"/>		
Please specify:		

9. **Early risk detection** (Specify any circumstances which may pose a risk to the integrity of the site, the evidence or the civil servants involved).

10. **Victims** (Record the number of victims, their names (if known), whether they are injured, and whether there is a body or remains likely to be of human origin. If there is a very large number of victims and their condition is the same, you may record them in groups).

No.	Name	Condition

**SITE OF INQUIRY
HANDOVER/RECEIPT FORM**

Investigation file

11. Destination (Indicate the place to which the victims were transported).

No.	Transporting institution	Transportation destination	Registration of the unit or unit number

12. Detained persons (Indicate the number of detained persons and their full names).

No.	Name of detainee

13. Vehicles involved (Indicate the number and characteristics of the vehicles).

No.	Type and color	Manufacturer	Line/brand	Year/model	Registration number

14. Civil servants who entered the site (Where applicable, record the full names of the individuals who entered the site of inquiry once it had been cordoned off and until it was handed over to specialist staff for processing).

Full name	Institution and function	Time of entry	Time of exit

15. **Civil servant handing the site over after processing** (Record full name, function, date and time of handover, and signature).

Full name	Function	Date and time	Signature

16. **Civil servant receiving the site of inquiry after processing** (Record full name, function, date and time of receipt, and signature).

Full name	Function	Date and time	Signature

CUSTODY CHAIN RECORD

Investigation file

Institution or administrative unit	Sheet or document	Site of inquiry	Arrival date and time

1. **Numbering of pieces of evidence** (Number or alphanumeric code assigned, general description, location within the site of inquiry, and time of collection. If different pieces of evidence share the same type of classification, they should be coded sequentially; if this is not the case, record them separately. Strike out blank spaces).

Code	Description	Location at the site	Time of collection

2. **Documentation** (Mark with an X the methods used or specify where necessary).

--

Written: Yes No Photographic: Yes No Sketch:
 Yes No

Other: Yes No

Specify: _____

3. Collection and packaging (Include the number, letter or code corresponding to the evidence removed by hand or using an implement, as well as the type of packaging used, as appropriate. You may record the items in groups.)

By hand	Using an implement

Bag	Box	Containers

CUSTODY CHAIN RECORD

Investigation file

4. Civil servant (Any civil servant who was involved in processing evidence at the site of inquiry must write his/her full name, the institution to which he/she belongs, his/her function, the stage of processing in which he/she was involved, and his/her signature. Strike out blank spaces).

Name and function	Institution and function	Stage	Signature

5. Transportation (Mark the route taken with a X. Where a special measure is required for the transportation of evidence, the police officer or expert qualified to process the case must recommend how to proceed).

a) Transportation by	Road <input type="checkbox"/>	Air <input type="checkbox"/>
	Boat <input type="checkbox"/>	
b) Special transportation measures required	No <input type="checkbox"/>	
	Yes <input type="checkbox"/>	
Recommendations		

CUSTODY CHAIN RECORD

Investigation file

6. **Continuity and traceability** (Date and time of handover/receipt and full name of the individuals handing over and receiving the evidence. Institution to which they belong, functions within it, purpose of the transfer, and signatures. Include any comments about the packaging, the evidence, or any other observation you may deem necessary. Attach extra sheets as required. Strike out blank spaces once the final destination of the evidence has been recorded).

Date and time	Name, institution, and function	Purpose	Signature
	Name, institution, and function	Purpose	Signature
Comments			
Date and time	Name, institution, and function	Purpose	Signature
	Name, institution, and function	Purpose	Signature
Comments			

--

Date and time	Name, institution, and function	Purpose	Signature
	Name, institution, and function	Purpose	Signature
Comments			

FORM FOR THE HANDOVER/RECEIPT OF EVIDENCE

Investigation file

Sheet or folder	Place of handover/receipt	Date and time of handover/receipt

1. **Inventory** (Write the identifying number, letter or alphanumeric code for each piece of evidence being handed over, as well as its type or classification. Strike out blank spaces).

Code	Type or classification

2. **Packaging** (Indicate the condition of the packaging. If any of the packages appears to have been tampered with, has deteriorated or is otherwise anomalous, specify its condition).

Person handing over	Person receiving

Full name, institution, function, and signature

Full name, institution, function, and signature

THIS FORM CONSTITUTES A PERSONAL RECEIPT; IT IS THEREFORE RECOMMENDED THAT YOU KEEP A COPY OF IT.

EVIDENCE	
Investigation file: _____	
Sheet: _____	
Date: _____ Time: _____	
Type of evidence _____ _____	Identification (Number, letter or code)

B.4 AGREEMENT TO LAUNCH AN INVESTIGATION

Initial identifying information

- Date and time
- Federative entity
- Town/city or borough

Core content

- Legal grounds
- General information about the launch of the investigation
- File number assigned to the investigation
- Procedures to be carried out

Closing information

- Official issuing the order
- Name and signature of the public prosecutor

SAMPLE

AGREEMENT TO LAUNCH AN INVESTIGATION

Date: D: M: Y: Time:

Federative entity:	
Town/city or borough:	

LEGAL GROUNDS	
Political Constitution of the United Mexican States:	Articles 21 and 102 Section A of the Political Constitution of the United Mexican States;
National Code of Criminal Procedure:	Articles 127 to 132, 221, 223, and 369 of the National Code of Criminal Procedure currently in force in this State;
Organic Law of the Attorney-General's Office:	
Regulations implementing the Organic Law of the Attorney-General's Office:	

GENERAL INFORMATION ABOUT THE LAUNCH OF THE INVESTIGATION	
Name of the accused:	
Alleged crime:	
Victim or injured party:	

FILE NUMBER ASSIGNED TO THE INVESTIGATION

PROCEDURES TO BE CARRIED OUT	
Investigating Police:	
Experts:	
Other:	

The superior authority shall be informed of the opening of this investigation file, and whatever procedures are necessary to shed light on the facts shall be carried out. **IT IS SO DECIDED.**

Official issuing the order:

Full name of the official of the Public Prosecutor's Office:
Department of registration:
Address:
Telephone number:

Name and signature of the official of the Public Prosecutor's Office

B.5. RECORD OF READING THE SUSPECT HIS/HER RIGHTS

Initial identifying information

- Investigation file number
- Agency
- Offense(s)
- Federative entity
- Town/city or borough
- Date
- Time

Core content

- Identity of the suspect
- Identity of the counsel
- Legal grounds
- Reading of suspect's rights
- Guarantee of rights
- Record of explanation and understanding

Closing information

- Name and signature of the suspect
- Name and signature of the interpreter or translator
- Name and signature of the counsel
- Name and signature of the public prosecutor

SAMPLE

RECORD OF READING THE SUSPECT HIS/HER RIGHTS

C.I. Number:	
Agency:	
Offense(s):	

Federative entity:			
Town/city or borough:			
Date:			
	Day	Month	Year
Time			
	Hours	Minutes	

IDENTITY OF THE SUSPECT			
Name(s):			
Paternal surname:			
Maternal surname:			
Age:		Gender: Male () Female ()	
Nickname:			
Occupation:			
Address:			
	Number	Street	
	Town/city	District	Postal code
Source document	Mexican national ID card () Passport () Driving license () Military pass () Work ID () School ID () Other ()		
If 'other', please specify:			
Information about the source document	Number or sheet:		
	Issuing institution:		
	Date issued:		Validity:
Language or dialect			

Name of interpreter or translator

N.B.: A copy of the source document must be enclosed

IDENTITY OF THE COUNSEL	
Name:	
Function: (In the case of a public counsel)	
Department: (In the case of a public counsel)	
Address:	
	Number Street
	Borough District Postal code
Telephone number:	
Email address:	
Work mobile:	
N.B.: A copy of the source document must be enclosed	

LEGAL GROUNDS	
LAW	ARTICLES
Political Constitution of the United Mexican States	20 Section B
International human rights treaties and instruments	
National Code of Criminal Procedure	
Organic Law of the Attorney-General's Office	

Regulations implementing the Organic Law of the Attorney-General's Office	
Notices and/or Agreements of the Attorney-General of the Republic	

ACT OF INFORMING INFORMED OF YOUR RIGHTS

- I.** To be presumed and treated as innocent until found guilty;
- II.** To communicate with a family member and with his/her counsel upon detention, and for the Public Prosecutor's Office to take the necessary measures for this to be possible;
- III.** To make a statement or remain silent, on the understanding that his/her silence will not be able to be used against him/her;
- IV.** To be assisted by his/her counsel when making your statement and when involved in any other procedure, and to meet privately with his/her counsel prior to this;
- V.** To be informed, both while in detention and when appearing before the Public Prosecutor or Judge, of the acts of which he/she is accused and his/her rights, as well as, where applicable, the reason for his/her detention and the civil servant who ordered it; and to see the warrant issued for his/her arrest;
- VI.** Not to be subjected, at any point in the proceedings, to techniques or methods which undermine his/her dignity or alter his/her free will;
- VII.** To ask that the judicial authority modify the precautionary measure taken, in cases where he/she is in preventive detention;
- VIII.** To have access, and for his/her counsel to have access, to the records of the investigation, and to obtain a free copy thereof;
- IX.** To have any evidence he/she offers to heard, to be allowed sufficient time for that purpose, and to be assisted in securing the appearance of any persons whose testimony he/she requests and cannot present him-/herself;
- X.** To be tried in public by a court of law, within four months in the case of offenses for which the maximum sentence does not exceed two years, and within one year where the sentence exceeds that period, unless he/she requests and extension for his/her defense;
- XI.** To be properly defended by a legal professional or qualified lawyer, which he/she will choose freely from the moment of his/her detention, or, in the absence of this, by the appropriate public counsel, and to meet or discuss with this defense in the strictest privacy;
- XII.** To be assisted freely by a translator or interpreter if he/she does not understand or speak the Spanish language; if the suspect belongs to an indigenous people or

community, the counsel must have knowledge of his/her language and culture and, if this is not possible, must act with the assistance of an interpreter of the culture and language in question;

- XIII.** To be presented to the Public Prosecutor or supervising judge, as appropriate, immediately after being detained or arrested;
- XIV.** Not to be exposed to the media;
- XV.** Not to be presented to the community as guilty;
- XVI.** From the moment of his/her detention, to request social assistance for minors or persons with disabilities who are dependent upon him/her;
- XVII.** To obtain his/her liberty, if he/she has been detained and preventive detention, or any other liberty-restricting precautionary measure, is not ordered;
- XVIII.** For his/her embassy or consulate to be informed when he/she is detained, and for migration assistance to be provided when he/she is of a foreign nationality.

GUARANTEE OF RIGHTS

Describe how these rights were guaranteed by the official of the Federal Prosecutor's Office

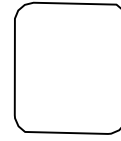
(Indicative and non-exhaustive example)

1. Immediate medical assistance was provided, and Dr. _____, a Medical Expert registered with this Prosecutor's Office, was requested to carry out a medical check.
2. He was allowed to call telephone number _____. This is the home landline number of his brother, named _____.
- 3 He was allowed to call his legal counsel at his office so that a lawyer named _____ could represent him as his defense for this stage of the investigation.
4. The embassy or consulate of _____ in Mexico was notified of her detention via a telephone call to telephone number _____.
5. 18.

RECORD OF EXPLANATION AND UNDERSTANDING

Once the suspect has been informed of and understood the rights and benefits which all accused parties enjoy, the procedure is concluded, and all those involved in it sign this document as an official record.

Name and signature of the suspect



Fingerprint

If the suspect does not wish to sign, state the reason: _____

Name and signature of the interpreter or translator

Name and signature of the counsel

Name and signature of the public prosecutor

Initial identifying information

- Date and time issued
- Federative entity
- Town/city or borough

Core content

- General information about the suspect
- Circumstances of detention: time, place, and means
- Details of the arresting officer
- Narrative account of the events
- Legal grounds
- Enclosures

Closing information

- Civil servant issuing the order
- Name and signature of the public prosecutor

SAMPLE

DETENTION AGREEMENT

Date: D/

--	--

 M/

--	--

 Y/

--	--	--	--

 Time issued:

--	--	--	--

Federative entity:	
Town/city or borough:	

GENERAL INFORMATION ABOUT THE SUSPECT							
Name:							
Age:		Nationality:					
Address:							
Profession or occupation:				Level of studies:			
Gender:		Date of birth:		Day:		Month:	Year:
Nickname:		Salary:					
Father's name:							
Mother's name:							

CIRCUMSTANCES OF ARREST: TIME, PLACE, AND MEANS	
In flagrante delicto ()	Urgent case ()
Document:	
Investigation file number:	
Date and time of detention:	
Place of detention: (Specify street, number, additional information, district, borough, and/or town/city, state, and postal code)	

DETAILS OF THE ARRESTING OFFICER	
Name:	
Department:	
Number of official police report:	
Badge number:	

NARRATIVE ACCOUNT OF EVENTS: (Specific and in chronological order)

When?	
Where?	
What?	
Who?	
How?	
For what reason?	
To what end?	
Name of the victim or injured party:	
Alleged offense:	
LEGAL GROUNDS	
Political Constitution of the United Mexican States:	
National Code of Criminal Procedure:	
Legal grounds for agreeing preliminary detention in flagrante delicto/as an urgent case:	

ENCLOSURES		
No.	Type	Sheets

The suspect shall be personally notified of this decision, and the Commander of the Federal Judicial Police shall be instructed to remand the aforementioned detainee in custody in the cells of this organization until such a time as his/her legal situation has been resolved.

Name and signature of public prosecutor

Civil servant issuing the order:

Name and surname of the public prosecutor:
Department of registration:
Address:
Telephone number:

B.7 REQUEST TO THE POLICE TO HOLD THE DETAINEE

Identifying information

- Date and time
- Name of the Deputy Attorney-General's Office
- Borough/sub-borough
- Investigating agency
- Division
- Investigation file number
- Subject

Content

- Authority handing the detainee over
- Authority holding the detainee
- Identity of the detainee
- Grounds
- Purpose of the procedure

Conclusion of the procedure

- Name and signature of the public prosecutor and judicial police officer

SAMPLE

REQUEST FOR THE POLICE TO REMAND THE DETAINEE IN CUSTODY

Date: D/ M/ Y/ Time:

Deputy Attorney-General's Office			
Borough/sub-borough			
Investigating Agency			
Division		Offense	
Investigation File Number			
Subject			

AUTHORITY HANDING OVER THE DETAINEE	
Name:	
Function:	
Department:	
Official address:	
Official phone no.:	
Email:	

AUTHORITY REMANDING IN CUSTODY	
Name:	
Function:	
Registration:	
Custodial address:	
Official phone no.	
Email:	

IDENTITY OF THE DETAINEE	
Name(s):	
Paternal surname:	
Maternal surname:	
Age:	Gender: Male () Female ()
Nickname:	

Grounds: Articles 21 and 102 Section A of the Political Constitution of the United Mexican States and Articles 131 and 132 of the National Code of Criminal Procedure.

SUBJECT OF THE PROCEEDING

--

<p><i>Name and signature of public prosecutor</i></p>	<p>Name and signature of federal judicial police officer</p>
---	---

B.8 RECORD OF READING THE SUSPECT HIS/HER RIGHTS

Identifying information

- Heading with the name of the Federal Attorney-General's Office, Criminal Investigation Agency
- Regional headquarters
- Offices

Content

- Date, time, and place of detention
- Name of detainee
- The reason or offense for which the detention occurs
- List of rights enshrined in the leaflet on rights carried by the police officer

Closing information

- Name and signature of the detainee
- Name and signature of the officer

SAMPLE

RECORD OF READING THE SUSPECT HIS/HER RIGHTS

Date: D/ M/ Y/ Time:

Place of detention:

The person is informed that he/she is being detained for the following reason:

Name of the person informing the detainee of his/her rights:

INFORMATION PROVIDED BY THE DETAINEE	
Name(s):	
Address:	
Telephone:	
Age:	Gender: Male () Female ()

RIGHTS READ OUT AT THE TIME OF DETENTION

1. You have the right to be handed over immediately to the competent authority.
2. You have the right to remain silent, or, if you wish to make a statement, you will do this with the assistance of your counsel, and whatever you say to the arresting officers will not be used in evidence;
3. You have the right not to incriminate yourself and not to make a statement against yourself.
4. You have the right to choose a counsel, and if you do not have one, the State will furnish you with one free of charge.
5. You are considered innocent until proven guilty.
6. You have the right to communicate your detention and your whereabouts at any given time to a family member or person of your choice.
7. If you are foreign, you have the right to inform your country's consulate of your detention.
8. You have the right to a translator or interpreter, to be provided by the State.
9. I inform you that your detention will be recorded in the Detention Records System (SIREL).

Informed

Name and signature of the detainee

Name and signature of the officer

N.B.: If the detainee refuses to sign or it is materially impossible for him/her to do so, the officer shall record the reason for this in place of the detainee's signature.

B.9 PROCEEDINGS OF ADDITION TO STATEMENT AND POLICE REPORT

Initial identifying information

- Investigation file number
- Name of the proceeding to be carried out

Core content

- Place and date
- Time at which the proceeding commences
- Name, function, and place of registration of the authority instigating the proceeding
- General information about the suspect
- Legal grounds for the reasons and/or credentials for instigating the proceeding
- Appointment of counsel
- General information about the counsel
- Statement by the accused
- Statement by the counsel

Conclusion of the procedure

- Name and signature of the accused
- Name and signature of the counsel
- Name and signature of the public prosecutor

C.I. _____

ADDITION TO JUDICIAL STATEMENT OF THE ACCUSED _____

In the town/city of _____, _____, at the time of _____ hours and _____ minutes on October ____, _____, in the presence of _____, an official of the Federal Prosecutor's Office, the seat of which is found at _____, _____, a person was had at sight of the ____ gender who claimed to answer to the name of _____ and showed official identification at this proceeding. He/she is urged to speak nothing but the truth in the statement that he/she is about to make. He/she confirms that he/she has the aforementioned name, is originally from _____ and now lives in _____, is _____ years old, has the civil status of _____, the level of education of _____, the occupation of _____, and the telephone number _____, on which he/she can be contacted. Pursuant to Article 20 of the Political Constitution of the United Mexican States and Paragraph 113 of the National Code of Criminal Procedure, the accused is made aware of his/her rights (a copy of the record of reading of rights is enclosed). The acting officer then asks the accused whether he/she has a qualified professional lawyer, and he/she replies that this is not the case, upon which, since the lawyer and public counsel _____ is present and duly registered with this judicial authority, he/she is appointed as counsel to the accused _____. He/she claims to be called _____, his/her office number is _____, and his/her address for service of process is _____. The function of providing proper technical counsel to the accused and acting in relation to the present investigation file and all related proceedings is then announced, and he/she **agrees to act as counsel** to the accused _____. Pursuant to Article 20, Section B, Paragraph II of the Political Constitution of the United Mexican States and in relation to Articles 113, Sections III and IV, and 114, the accused is then given the right to speak, and states: _____. The counsel is then given the right to speak, and states: _____. The parties present then read the record of proceedings and subsequently ratify each and every section

thereof, signing in the margin and at the bottom of the present document as official confirmation of this. **IN WITNESS THEREOF:**

ACCUSED:

Federal Public Prosecutor

COUNSEL

B.10 AGREEMENT ON THE IMMEDIATE RELEASE OF THE SUSPECT

Initial identifying information

- Heading with the name of the administrative unit, Directorate-General and department
- Report sheet
- Number of the central/local decision (as applicable)
- Place and time

Initial information

- Investigation file number
- Name of the proceeding to be carried out

Core content

- Place, date, and time (written out in words)
- Legal grounds for the proceeding
- Reason behind the order for the immediate release of the suspect
- Operative paragraphs

Closing information

- Name and signature of the public prosecutor



SAMPLE

DETAILS OF THE ISSUING UNIT

Report sheet: _____

No. of central/local decision: _____

Investigation file: _____

AGREEMENT FOR THE IMMEDIATE RELEASE OF THE SUSPECT DUE TO FAILURE TO MEET PROCEDURAL REQUIREMENTS

In the town/city of _____, _____, at the time of _____ hours and _____ minutes on _____, _____.

Pursuant to the provisions of Articles 20 Section B, 21, and 102 Section A of the Political Constitution of the United Mexican States and Articles 146, 147, 148, 149, and 225 of the National Code of Criminal Procedure;

CONSIDERING the history of the case under examination relating to the offense of _____ pursuant to the Federal Criminal Code, as well as those aspects of the investigation that are subject to procedural requirements, such as the complaint, and considering also that the period of _____ hours allotted for the duly authorized entity to take investigative action has now elapsed and that entity has not proceeded to do so;

The immediate release of _____ is hereby ordered, and the detainee and his/her counsel are informed of this decision taken in his/her favor by the Public Prosecutor's Office, without prejudice to whether or not criminal proceedings will be instigated with regard to the present investigation file.

**OFFICIAL OF THE PUBLIC PROSECUTOR'S OFFICE
AND HEAD OF THE _____ DIVISION IN _____.**

B.11 AGREEMENT STATING THE REASON FOR THE IMMEDIATE RELEASE OF THE DETAINEE

Initial information

- Investigation file number

Core content

- Nature of the document (agreement proclaiming the immediate release of the detainee)
- Place, date, and time (written out in words)
- Name of the suspect
- Name of the victim
- Reason for the order of immediate release
- Legal grounds for immediate release
- Operative paragraphs

Closing information

- Name and signature of the public prosecutor



SAMPLE

Investigation file: _____

AGREEMENT PROCLAIMING THE IMMEDIATE RELEASE OF THE DETAINEE

In _____, at _____ hours on _____ two thousand and six:
HAVING REGARD TO the examination (of the handover report, police report) of the
circumstances surrounding the possible case of flagrante delicto, it is concluded
that _____ the _____ accused
_____ **was not** detained while committing the offense of
which he/she has been accused by the victim _____.

Thus, pursuant to the provisions of Articles 16, 21, and 102 Section A of the Political
Constitution of the United Mexican States and Articles 146 and 149 of the National Code
of Criminal Procedure, this Public Prosecutor's Office decrees:

SOLE PROCLAMATION. The immediate release of the detainee named _____
_____ is hereby ordered.

-----**IT IS SO DECIDED**-----

IT WAS SO AGREED AND SIGNED BY _____,
AN OFFICIAL OF THE FEDERAL PROSECUTOR'S OFFICE REGISTERED AT
_____.

PUBLIC PROSECUTOR

Initial information

- Date and time
- Administrative unit
- Investigating agency
- Investigation file number

Core content

- Investigation equipment
- Basic case information
- Initial analysis of the events
- Classification of offense and evidence of the crime
- Action plan
- Analysis of strengths and weaknesses
- Investigative hypothesis
- Initial presentation of case hypothesis

SAMPLE

INVESTIGATION PLAN

Date: D/ M/ Y/ Time:

Administrative unit	
Investigating agency	
Investigation file number	

Investigation team	
1.	
2.	
3.	

Basic case information	
Persons	Location
Events	Items

Initial analysis of the events

Classification of offense	Evidence of the crime

Action plan

Evidence	Date	Means	Action required	Person in charge	Date and time

Analysis of strengths and weaknesses	
Own	
Weaknesses	
Strengths	
Counterpart's	
Weaknesses	
Strengths	

Investigative hypothesis

Initial presentation of case hypothesis

B.13 INTERVIEW WITH THE VICTIM AND/OR WITNESSES

Initial information

- Date and time
- Investigation file number

Core content

- Details of the interviewee and/or witness
- Authority conducting the interview
- Narrative account of events
- Legal grounds

Closing information

- Name and signature of the interviewed person and/or witness
- Name and signature of the police officer
- Name and signature of the police officer in charge

SAMPLE

INTERVIEW WITH THE VICTIM AND/OR WITNESSES

Date: D/ [][] M/ [][] Y/ [][][][] Time: [][][][][]

Investigation file: []

DETAILS OF THE INTERVIEWED PERSON AND/OR WITNESS	
Name:	
Age:	
Date of birth:	
Civil status:	
Occupation:	
Level of education:	
Address:	
Telephone no.:	
Email:	
Religion:	
Identification:	

AUTHORITY CONDUCTING THE INTERVIEW	
Name:	
Function:	
Department:	
Official address:	
Official telephone no.:	
Email:	

NARRATIVE ACCOUNT OF THE EVENTS: (Specific and in chronological order)	
When?	
Where?	
What?	

Who?	
How?	
For what reason?	
To what end?	

INTERVIEW	
Person was interviewed:	Yes () No ()
Reason(s):	

Grounds: xxxxxxxx

_____	_____
Interviewee's and/or witness's signature	Police officer's signature
Name of interviewee and/or witness	Name of police officer

B.14 REQUEST FOR FURTHER INQUIRIES

Identifying information

- Date and time
- Deputy Attorney-General's Office
- Borough/sub-borough
- Investigating agency
- Division
- Offense
- Investigation file number
- Subject

Content

- Requesting authority
- Receiving authority
- Grounds
- Brief explanation of reasons

Closing information

- Name and signature of public prosecutor/police officer

SAMPLE

REQUEST FOR INQUIRIES

Date: D/ M/ Y/ Time:

Deputy Attorney-General's Office			
Borough/Sub-borough			
Investigating agency			
Division		Offense	
Investigation file number			
Subject			

REQUESTING AUTHORITY	
Name:	
Function:	
Registration:	
Official address:	
Official telephone no.:	
Email:	

RECEIVING AUTHORITY	
Name:	
Function:	
Registration:	
Official address:	
Official telephone no.:	
Email:	

Grounds: Articles 21 and 102 Section A of the Political Constitution of the United Mexican States and Articles 131 and 132 of the National Code of Criminal Procedure.

BRIEF EXPLANATION OF REASONS

Name and signature of the public prosecutor/police officer
--

Initial information

- Heading with the name of the administrative unit, Directorate-General and department
- Sheet number
- Case or investigation file number
- Subject
- Place and time

Core content

- Name, function, and registration of the requesting authority
- Presentation of the matter for investigation
- Investigation method
- Investigation material
- Background
- Technical considerations
- Legal medical analysis
- Conclusions

Closing information

- Expert's name and signature
- Footnote indicating the form code (verification of document in accordance with ISO:9001-2008)

SAMPLE



Department of Expert Services.

Directorate-General of Forensic Laboratories.

Directorate of _____.

Sub-Directorate of _____.

Department of _____.

Letter No.: _____.

Case: _____.

SUBJECT: ISSUANCE OF REPORT ON

Town/city of _____, _____, _____, _____.

HAND - DELIVERED.

The undersigned, an expert in the field of _____ registered to this Department and appointed to act in relation to the aforementioned investigation, hereby issues the following:

R E P O R T

BACKGROUND. On _____ this year your communication number _____ was received, in which you request: "... *experts in the field of _____ who must work on an inquiry to be carried out in the town/city of _____, _____, in search of evidence. The appointed staff member must report to the premises of this unit, situated in _____ at _____ sharp on _____ this year, with the vehicle required for your transportation to the site where you will be working.*" With regard to the above, following my appointment, I reported to the site on the date and at the time mentioned above accompanied by the requested expert staff, and we subsequently traveled to the site of inquiry.

MATTER FOR INVESTIGATION. _____.

INVESTIGATION METHOD. Given the nature of my investigation and using the method of _____, direct structured observation of the site of inquiry indicated below was carried out for the purpose of documenting its general characteristics and searching for and, where applicable, processing evidence.

SITE STUDY. To that end, at _____ on _____ this year, I, accompanied by experts in the field of _____ as well as relevant _____ staff, attended the site of inquiry located in _____, number _____, in the neighborhood of _____, in the municipality of _____, in the State of _____.

DESCRIPTION OF INVESTIGATION SITE. At the site, it was observed that

LOCATION OF EVIDENCE. Within this building, and more specifically at _____ the pieces of evidence described below were located and identified via the allocation of a number/alphanumeric code:

1. _____, which was found at _____.
2. _____, which was found at _____.

COMMENTS

a) Over the course of this procedure, at which _____ were present at all times, experts in the fields of _____ were also present, and will communicate their findings separately.

b) Evidence in the form of _____ was identified, documented in writing,

collected, packaged and handed over by _____ at the site of inquiry itself, following the established custody chain procedures.

OBSERVATIONS

I. At the site of inquiry, located in: _____, the following items: _____ were located and processed, then packaged and marked/labeled "Exhibit 1" and "Exhibit 2" respectively.

II. No other events, sites, or objects the examination of which would require specialist knowledge in the area of criminalistics were submitted to the undersigned for his/her consideration.

On the basis of the above, the undersigned reaches the following:

SOLE CONCLUSION.

_____.

ENCLOSURE.

Enclosed is:

_____.

**YOURS FAITHFULLY
EXPERT.**

B.16 LETTER HANDING THE ACCUSED OVER TO THE SUPERVISING JUDGE, AND REQUEST FOR DETENTION HEARING

Initial identifying information

- Logo of the institution
- Section
- Letter number
- Investigation file number
- Subject
- Place and date

Core content

- Name of the recipient authority
- Public function
- Place where the function is carried out
- Request to be submitted, constitutional grounds, date and time of handover of accused to the Public Prosecutor's Office
- Location of the accused
- Request for detention hearing

Closing of the procedure

- Signature of the authority submitting the request

SAMPLE



SECTION: _____
LETTER NUMBER: _____
INVESTIGATION FILE: _____
SUBJECT: HANDOVER OF THE ACCUSED
AND REQUEST FOR DETENTION HEARING.

In the town/city of _____; **XXXX XXXX, XXXX.**

SUPERVISING JUDGE IN THIS REGION,

H A N D - D E L I V E R E D .

The undersigned, **XXXXXXXXXX**, an official of the Federal Prosecutor’s Office located in this town/city, with an address for service of process located in **XXXXXXXXXXXXXXXXXXXX**, in this town/city, and writing to request the following:

The accused **XXXXXXXXXXXXXXXXXXXX**, was handed over to this Public Prosecutor’s Office as a detainee on the following date and at the following time: **XXXXXXXXXXXXXXXXXXXX**. Pursuant to Article 19 of the Political Constitution of the United Mexican States, I hereby inform you that on this day, **XXXXXXXXXX XXXX** two thousand and **XXXXXX**, this Office hands over to you the accused, named **XXXXXXXXXXXXXXXXXXXX**, who is currently located at **XXXXXX XXXXXXXXXXXXXXXXXXXX**.

This Federal Prosecutor’s Office requests that you appoint a date and time for the detention hearing so that those and any other proceedings which the present case may warrant can be carried out.

This is in accordance with the provisions of Articles 16, 19, 21, and 102 Section A of the Political Constitution of the United Mexican States and Articles 307 and 308, as well as other applicable articles, of the National Code of Criminal Procedure.

YOURS FAUTHFULLY
OFFICIAL OF THE FEDERAL PROSECUTOR’S
OFFICE

B.17 LETTER DECLARING CLOSURE OF THE INVESTIGATION

Initial identifying information

- Heading with the name of the Deputy Attorney-General's Office
- Borough
- Sub-borough
- Agency
- Division
- Letter number
- Investigation file number
- Subject
- Place and date

Core content

- Name of the recipient authority
- Public function
- Place where the function is carried out
- Legal grounds for the request
- Announcement of and reasons for closing the investigation

Closing information

- Signature of the requesting authority

SAMPLE



**DEPUTY ATTORNEY-
GENERAL'S OFFICE FOR REGIONAL
SUPERVISION, CRIMINAL PROCEDURE
AND PROTECTION.
LOCAL BOROUGH
SUB-BOROUGH**

AGENCY: _____

DIVISION: _____

LETTER NUMBER: _____

INVESTIGATION FILE: _____

SUBJECT: Closure of the investigation.

In the town/city of _____ ; Date: **XXXX XXXX, XXXX.**

**SUPERVISING JUDGE IN THIS
REGION, XXXXXXXXXXXXXXXXXXXXXXXX.
H A N D - D E L I V E R E D.**

I, the undersigned, **XXXXXXXXXX**, an official of the Federal Prosecutor's Office in Division **XXXXX** in this town/city, whose address for services of process is at **XXXXXXXXXX**, **XXXXXXXXXX** in this same town/city, am writing to report the following:

In accordance with the provision of Article 321, closing paragraph, of the National Code of Criminal Procedure, I hereby inform you that on this day, **XXXXXXX**, this Prosecutor's Office has ordered the closure of the investigation contained within investigation file no. **XXXXXXX**, which gave rise to the present criminal case, no. **XXXXXXXXXX**, which appears on your court docket.

I thereby comply with the order contained in the aforementioned provision.

**YOURS FAITHFULLY,
OFFICIAL OF THE FEDERAL
PROSECUTOR'S OFFICE.**

Initial identifying information

- Institution's logo
- Letter number
- Investigation number
- Criminal case
- Subject
- Place and date

Core content

- Identification of each suspect and his/her counsel
- Identification of the victim or injured party and his/her legal adviser
- A clear, precise, specific, and detailed account of the alleged acts including method, time, and place, as well as their legal classification.
- Statement of the concurrent offenses
- The degree of perpetration or participation attributed to the accused
- Statement of the applicable legal provisions
- List of the evidence being brought, as well as preconceived evidence presented at the investigation stage
- The amount of compensation, and evidence presented to prove this
- The sentence or security measure being requested, including, where applicable, the corresponding concurrence of offenses
- The evidence which the Public Prosecutor's Office intends to present for the sentence to be carried out and, where applicable, for the granting of a suspended sentence or an alternative to a custodial sentence
- Confiscation request for items gathered
- Proposed evidence-based agreements where some form of early closure on the case is requested, where applicable.

Closing information

- Reiterate request to the judge
- Signature of requesting authority

SAMPLE



LETTER NUMBER: _____
INVESTIGATION FILE: _____
CRIMINAL CASE _____
SUBJECT: CHARGES

Place and date XXXXXXXXXXXXX

**SUPERVISING JUDGE
RESIDENT AT XXXXXXXX.
HAND - DELIVERED.**

I, the undersigned, **XXXXXXXXXXXX**, an official of the Federal Prosecutor’s Office, resident in this town/city, whose address for service of process is already registered with the administration of this court, am writing in reference to the following:

Within the legal deadline for so doing, and in accordance with the provisions of Articles 324 Paragraph 1 Section III, 334, 335, 336, and other applicable articles of the National Code of Criminal Procedure, I hereby present written charges under investigation file **XXXXXXXXXX**, criminal case **XXXXXXXXXX** in the docket of this court, to be brought against **XXXXXXXXXX** for his/her criminal responsibility in the perpetration of the crime of **XXXXXXXXXXXXXX**, pursuant to the provision of Article **XXXXXXXXXXXXXXXXXXXX** of **XXXXXXXXXXXX**, which was committed against **XXXXXXXXXXXX**.

I. CASE HISTORY

1. On **XXXXXXXXXXXX**, an order of committal for trial was issued against **XXXXXXXXXXXX** for his/her alleged participation in the perpetration of an act which the law deems to be the crime of **XXXXXXXXXXXX**, provided for and punishable under Articles **XXXXXXXXXXXX** of the **XXXXXXXXXXXX**. This ruling stood, since neither the defense nor the accused appealed (if they did appeal, this should be stated, and the final ruling which stands should be given).

2. The **XXXXXXXXXXXX** decided that the deadline for closure of the complementary investigation would be **XXXXXXXXXXXX**, and this expired on the **XXXXXXXXXXXX** of this year. Neither the undersigned nor the defense requested that it be extended.

3. Through a decision of **XXXXXXXXXXXX**, this prosecution authority declared the closure of the complementary investigation, on the basis of the which, in due time and proper form, the present written charge is now submitted in accordance with No. 335 of the National Code of Criminal Procedure as per the following terms:

I. Identity of the accused and his/her/their counsel(s):

a) **Accused.-** **XXXXXXXXXXXXXXXXXXXXXXXXXXXX**, aged **XXXXXX** years since he/she was born on **XXXXX XXXXX, XXXXX**, originally from the town/city of **XXXXXXXX**, a **XXXXXXXX** by profession, residing in **XXXXXXXX**, Apt. **XXXXXXXX**, No. **XXXXX**, development **XXXXXXXX**, in the municipality of **XXXXXXXXXX**.

b) **Counsels.-** **XXXXXXXXXXXXXXXX** private counsels, whose address for service of process is **XXXXXXXX** No. **XXXXXX**, in the district of **XXXXXX**, in this municipality of **XXXXXXXX**.

II. Identity of the victim or injured party and his/her legal adviser:

c) **Victim.-** **XXXXXXXXXXXXXXXXXXXXXXXXXXXX**, aged **XXXXXX** years, since he/she was born on **XXXX XXXX, XXXX**, originally from the town/city of **XXXXXXXX**, a **XXXXXXXX** by profession, residing in **XXXXXXXX**, Apt. **XXXXXXXX**, No. **XXXXX**, development **XXXXXXXX**, in the municipality of **XXXXXXXXXX**.

d) **Legal adviser** **XXXXXXXXXXXXXXXX**, whose address for service of process is **XXXXXXXX** No. **XXXXXX**, in the district of **XXXXXX**, in this municipality of **XXXXXXX**.

III. Clear, precise, specific, and detailed account of the alleged acts including method, time, and place, as well as their legal classification:

XX
XX
XX (the specifics
of the events must be included, i.e. how they occurred, at what time, and in what place, as
well as the legal significance of the facts).

IV. Statement of concurrent offenses;

In line with legal requirements. xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

V. The specific degree of perpetration of participation attributed to the accused;

In line with legal requirements. xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

VI. Statement of applicable legal provisions;

In line with legal requirements. xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

VII. List of the evidence being brought, as well as preconceived evidence presented at the investigation stage;

EVIDENCE.

The evidence which this Prosecutor's Office intends to present at the oral hearing are as follows:

WITNESS STATEMENTS.

- 1.- To be provided by XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, who is XXXXXXXXXX, whose official address is XXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXX, and who will testify regarding the events which took place on XXXXXXXXXXXXXXXXXXXXXXX and the way in which the accused committed the criminal act.
- 2.- To be provided by XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, a XXXXXXXXXXXXXXX by profession, from XXXXXXXXXXXXXXX, and witness to this events, who may be summoned at the following address: XXXXXXXXXXXXXXXXXXXXXXX. He/she will testify regarding the way in which he/she observed and became aware of the events which took place on XXXXXXXXXXXXXXX.

3.- To be provided by **XXXXXXXXXXXXXXXXXXXX**, an officer of the investigating police registered **XXXXXXXXXXXXXXXXXXXX**; he/she must be summoned in writing through his/her superior **XXXXXXXXXXXXXXXXXXXX** in district **XXXXXX** of the town/city of **XXXXXXXX XXXXXX**; he/she will testify regarding the way in which he/she became aware of the events which took place on **XXXXXXXXXXXXXXXXXXXX**.

4.- To be provided by **XXXXXXXXXXXXXXXXXXXX**, an officer of the investigating police registered **XXXXXXXXXXXXXXXXXXXX**; he/she must be summoned in writing through his/her superior at the following address: **XXXXXXXXXXXXXXXXXXXX** in **XXXXXXXXXXXX XXXXXXXXXXXXXXX**; he/she will testify regarding the way in which he/she became aware of the events which took place on **XXXXXXXXXXXXXXXXXXXX**.

EXPERTS

1. To be represented by the forensic medical expert of the Office of the Attorney-General of the Republic, **XXXXXXXXXXXXXXXX**, whose office address is **XXXXXX** and can be summoned through his/her superior **XXXXXXXXXXXXXXXXXXXX** at **XXXXXXXXXXXXXXXXXXXX**. This expert will present his/her injury report dated **XXXXXXXXXXXXXXXX**, detailing the methods and techniques used to arrive at the conclusions presented in that report.

The aforementioned witnesses and experts are to be summoned through the usual legal means at the addresses indicated.

DOCUMENTATION

In line with legal requirements. **XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX**

VIII. The amount of compensation, and evidence presented to prove this;

In line with legal requirements. **XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX**

IX. The sentence or security measure being required, including, where applicable, the corresponding concurrence of offenses;

In line with legal requirements. **XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX**

X. The evidence which the Public Prosecutor’s Office intends to present for the sentence to be carried out and, where applicable, for the granting of a suspended sentence or an alternative to a custodial sentence;

In line with legal requirements. xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

XI. Confiscation request for items gathered;

In line with legal requirements. xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

XII. Proposed evidence-based agreements, where applicable, and

In line with legal requirements. xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

XIII. Request for some form of early closure on the case, where applicable.

I therefore respectfully submit to you, the Supervising Judge, the following request:

I. That my charge against **XXXXXXXXXXXXXXXXXXXX** for his/her criminal responsibility for the perpetration of the crime of **XXXXXXXXXXXXXXXXXXXX** against **XXXXXXXXXXXXXXXXXXXX**, which I have presented in due time and proper form, be accepted.

II. That the parties to these charges be informed and a date and time for the intermediate hearing be appointed, notifying those called and this Prosecutor’s Office in accordance with the terms of the incipit of this document.

III. That all the aforementioned evidence be admitted in due course and presented at the hearing.

IV. That the accused, **XXXXXXXXXXXX**, be sentenced, in due course, to measures of reparation for the damages and harm caused, pursuant to Articles **XXXXXXXXXXXX** of **XXXXXXXXXXXX** currently in force in this federal entity.

**YOURS FAITHFULLY.
OFFICIAL OF THE FEDERAL PROSECUTOR’S OFFICE**

B.19 POLICE REPORT

Initial identifying information

- Name of the department: Office of the Attorney-General of the Republic
- Section or administrative unit: Criminal Investigation Agency, Federal Judicial Police, Directorate-General of XXXXX or Regional Headquarters for the State of XXXXX
- Letter number: Contains the code for the department/administrative unit /division/consecutive issue number/current year
- Place and date of issuance of report: State, town/city, day, month, and year
- Institutional calendar: Name of the year as published in the Official Gazette of the Federation by decree of the Federal Executive Branch or the Honorable Congress of the Union (E.g.: “2014, Year of Octavio Paz”)
- Subject: Partial or Final Criminal Investigation Report (in bold italics, with no inverted commas)
- Name of the authority to which the report is addressed: Official of the Federal Prosecutor’s Office, Official of the Federal Prosecutor’s Office for the civil courts, Federal Judges and Judges of the civil courts, Directors-General, Regional Heads and Heads of Offices
- Function of the authority to which the report is addressed
- Then write “H A N D - W R I T T E N”

Core content

- Number of the letter issuing the original order being discharged
- Date of issuance of the order
- Case under investigation: investigation file, criminal case, letter rogatory, etc.
- Authority issuing the order
- Type of measure ordered
- Time at which the police investigation resulting from the aforementioned order began
- Details of the place, location, or street to which the federal investigator reported in order to discharge the order. If this is a specific address, the

numbers requested on the present form should be given, beginning with the street name

- Door number
- District name
- Borough or municipality
- Postal code
- Federative entity or State
- State the main streets or thoroughfares surrounding the address and the nearby landmarks or places of note; the approximate kilometer marker of the nearest stretch of highway; the coordinates of open, closed, or mixed sites
- Description of the site, observations about the surroundings or georeferencing data which need to be provided, from the general to the particular; points of latitude and longitude must be included
- Outline the nature of the authority's request (discovery, presentation, investigation, arrest, etc.)
- Account of the events: The federal investigator must provide a chronological narrative account of the actions and events which took place as part of the federal investigator's work. The following aspects of the investigation must be covered: what, who, and how
- List any evidence, clues, traces, objects, tools, proceeds or benefits of the crime which are recovered, and state where each of them was found, with a description of the site (supported by custody chain record forms). If weapons, cartridges and explosives, drugs, tactical aids, cash, communication equipment, or other items are seized, the following information must be given:
 - a) Weapons, cartridges, and explosives: type, serial number, caliber, brand, and origin
 - b) Drugs: class, type, weight, quantity, and description
 - c) Tactical aids: type, quantity, measurements, observations
 - d) Hard cash: currency, quantity, and observations
 - e) Communication equipment: type, brand, color, IMEI, series, model, telephone number, and IMSI
 - f) Falsified/counterfeited material: type, quantity, measurements, and observations
 - g) Other items: types, quantity, measurements, and observations
- The federal investigator must describe the measures needed to safeguard the physical integrity of the evidence, objects, instruments or proceeds of the crime.

- Means of transportation used by the federal investigator to travel to the site of detention, discovery, presentation, investigation, arrest, search, etc.
- When collaboration and coordination with other authorities takes place and these provide support for the investigative work, the federal investigator must describe the role of each authority at the three levels of government or the emergency services (Red Cross, fire service, etc.) involved in the activities
- Names (and nicknames) of persons detained, investigated, or giving rise to the present order and/or report
- Physical description of detained person(s), if there are any
 - a. Gender
 - b. Weight
 - c. Build
 - d. Age
 - e. Coloring (eye color)
 - f. Hair (hair color, natural, dyed, implants [extensions or wig], shape of hair)
 - g. Distinguishing features (visible signs or marks, deformities, congenital malformation, tattoos, scars and surgery marks, *inter alia*)
- If the federal investigator interviews the suspect(s), reporting party/parties, victim(s), witness(es) and/or detainee(s), he/she must gather information in accordance with the type of interview chosen, i.e. structured or unstructured
- Whenever an interview is carried out, this shall be done with the strictest respect for human dignity, safeguarding each of the rights conferred upon the interviewee in international treaties; if the interviewee agrees, the information gathered may be recorded using audio or video recording systems
- Where the necessary equipment is available, audio or video recording systems will be used to strengthen the arguments presented in the report and populate technological systems
- Enclosures (secured items, duly identified, packaged, and sealed, sketches, medical certificates, vehicle registration information, etc.)
- Describe the information sources used

Closing information

- Legal grounds for the actions taken in accordance with the order issued
- Salutation: “I remain available for any assistance which you may require”
- Each investigatory measure shall be recorded separately and signed off in the signatures section by those involved. Above the signatures, the words “Y O U R S F A I T H F U L L Y” will appear. If the letters are to be sent to other departments or offices outside the issuing administrative unit, the phrase “EFFECTIVE SUFFRAGE, NOT REELECTION” is included
- Signatures of the officials involved in discharging the order and drafting the Criminal Investigation Report
- Names, functions, and signatures of the federal investigators
- Courtesy copies to the appropriate authorities. “For your superior information. –Respectfully,” are used; for recipients of the same or a lower grade, the words “For your information.- Yours faithfully,” are used

SAMPLE



Criminal Investigation Agency
Federal Judicial Police
Directorate-General of
XXX XXXX
Letter PGR/AIC/PFM/DGXXX/XXX/2014
Mexico City, XX XXX, 2014

Institutional calendar ("2014, Year of Octavio Paz")

Subject: Criminal Investigation Report

DIRECTOR-GENERAL / PUBLIC PROSECUTOR / JUDGE (8)
H A N D - D E L I V E R E D (9)

I write in reference to your letter number _____ dated _____, resulting from the _____ signed by _____, in which you requested that _____.

Investigative steps

In order to discharge the order in question and having reviewed the case, at _____ hours, we reported to _____, number _____, district _____, borough/municipality _____, postal code _____, federative entity _____ between streets _____.

The characteristics of the site were _____, and we proceeded to _____. As a result of this, _____. We found _____ and then _____ to ensure the physical integrity of these items.

Our means of transportation to the site was _____. _____ was/were also involved.

Findings of the investigation

With regard to this narrative of events, the observed person(s) can be said to be _____, and their physical description is as follows: _____. We then _____.

Enclosures

The following material was obtained in relation to the events described: _____. We also enclose: _____. The following sources of information were consulted:_____.

The above is written in accordance with Articles _____.

I remain available for any assistance which you may require.

YOURS FAITHFULLY
"EFFECTIVE SUFFRAGE, NOT REELECTION"
OFFICIALS OF THE FEDERAL JUDICIAL POLICE

Name, function, and signature.

Name, function, and signature.

Initial identifying information

- Investigation file
- Transportation document
- Date of transportation
- Places of origin and destination

Core content

- Details of the federal investigator in charge
- Number of objects and/or persons
- Details of the person(s) to be transported
- Objects to be transported as per the custody chain record
- Expert recommendations with regard to transportation
- Details from the search warrant
- Logistical considerations and remarks
- Step-by-step plan of the transportation process
- Officials involved in transportation

Closing information

- Name and signature of officials involved in transportation

SAMPLE

**TRANSPORTATION
PLAN**

Investigation file			
Transportation document			
	Day	Month	Year
Date			
Origin			
Destination			

Details of the federal investigator in charge			
Name:		Grade:	
Registration:			

	Persons		Objects
--	---------	--	---------

Details of person(s) to be transported					
No.	Name	Age	Gender		Remarks
			F	M	
			F	M	
			F	M	
			F	M	
			F	M	
			F	M	
			F	M	
			F	M	

Objects to be transported as per the custody chain record		
No.	Type	Remarks

Expert recommendations with regard to transportation

Specifications in the search warrant

--

Considerations	Remarks
Vehicles	
Weapons	
Equipment	
Support staff	
Route	
Composition of convoy	
Weather conditions	

Step-by-step plan of the transportation process

Officials involved in transportation	
No.	Name and signature