A *FISCALÍA* THAT WORKS IN MÉXICO

The Path to Ending Pacts of Impunity and Corruption in the Country

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REPORT

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"Mexico has an historic opportunity: to implement a new *Fiscalía General* capable of putting an end to the pacts of impunity and corruption that have until now been covered up by the PGR, or to merely simulate a change in institutions, whereby the PGR is called the 'Fiscalía,' but ultimately remains the same troubled institution as before."

INTRODUCTION

June 2017 marked the end of the eight-year implementation period of Mexico's new adversarial criminal justice system. For decades, Mexico operated under an opaque and primarily inquisitorial system, and while important challenges remain to make the new system a reality in the country, the transition to an adversarial system represents an important step forward. Furthermore, new general laws for investigating cases of disappearances and torture, as well as the creation of a National Anti-corruption System (*Sistema Nacional Anticorrupción*, SNA), have paved the way for improving investigations into crimes and human rights violations in Mexico.

However, having a new and improved criminal justice system and new laws against impunity and corruption in Mexico will do little to improve criminal investigations if the national prosecutor (*fiscal general*)—who will replace the current attorney general (*procurador general*) as the lead investigator of federal crimes—lacks the autonomy needed to lead the new *Fiscalía* with complete independence and integrity. Mexico needs an institution (the *Fiscalía*) equipped with independent and well-trained prosecutors, police officers, detectives, and other officials who are able to conduct investigations without fear that they will face reprisals or threats, including in cases involving powerful political and economic groups.

In 2014, Mexico's Congress approved the creation of an autonomous *Fiscalía General*—separate from the executive branch—that has the potential to become the institution that the country needs to effectively investigate human rights violations and corruption cases.[1] However, for more than four years, Congress has delayed approving the constitutional and legislative reforms needed to officially establish the *Fiscalía General* and to appoint Mexico's first autonomous national prosecutor.

Meanwhile, the crisis within Mexico's current federal Attorney General's Office (*Procuraduría General de la República*, PGR), paired with the violence that has shaken the country, has overwhelmed Mexico's political system. Violence in Mexico has reached levels unseen in at least the past two decades,[2] and the corruption scandals that have embroiled President Enrique Peña Nieto's administration, as well as several governors and other members of the country's political establishment, have only aggravated social exasperation. In emblematic cases with high social impact, such as the September 2014 enforced disappearance of 43 students from the Ayotzinapa rural teachers' college—known as the *Escuela Normal Rural "Raúl Isidro Burgos"*—in the southwest state of Guerrero, the PGR has not shown that it is up to the task. In other words, in a moment of extreme levels of violence, the quality of criminal investigations in Mexico has demonstrated grave shortcomings.

Mexico's last attorney general resigned in October 2017. Since then, neither the president nor the Senate has shown that they understand the importance of naming a replacement, sending the unsettling message that the government is disinterested in promoting strong leadership within the PGR.

The creation of the *Fiscalía General* offers an historic opportunity to tackle the crisis of impunity in Mexico and to fix the errors that have led to the failure of the PGR. Due to its lack of autonomy (brought about by its ties to the executive branch and Mexico's powerful elites), the PGR has been an institution that—instead of working to reduce criminality, violence, and corruption through carrying out serious and professional criminal investigations—has frequently been used as a political tool, as a space where the president and the Senate place their allies or fellow party members in leadership positions, even when they lack the qualifications necessary for the role. This has had a clear outcome: inefficiency and impunity.

In this report, we analyze what still needs to be done in Mexico to formally establish the *Fiscalía General*. In the first section, we discuss the 2014 and 2017 constitutional reforms related to the *Fiscalía*. We then examine the coalitions between Mexican civil society and human rights groups that have taken a leading role in demanding an independent *Fiscalía*

and national prosecutor, as well as the government's response to these demands. Finally, the report outlines recommendations on how the Mexican government can guarantee that the *Fiscalía* and the national prosecutor will be autonomous, and how the United States and the Inter-American Commission on Human Rights (IACHR) can support the creation of an independent and effective *Fiscalía*.

Mexico has an historic opportunity: to implement a new *Fiscalía General* capable of putting an end to the pacts of impunity and corruption that have until now been covered up by the PGR, or to merely simulate a change in institutions, whereby the PGR is called the "*Fiscalía*," but ultimately remains the same troubled institution as before.

ARTICLE 102 OF THE CONSTITUTION

THE CONSTITUTIONAL REFORM THAT CREATED THE *FISCALÍA GENERAL*

In 2014, Article 102 of the Mexican Constitution was reformed to create an autonomous *Fiscalía General*, which will replace the current PGR. Though the reform has not yet been implemented, it is the first of several constitutional amendments needed to formally establish the *Fiscalía General* and give it the power to begin investigating crimes with autonomy. The main elements of the 2014 reform to Article 102 of the Constitution include:

Creating the *Fiscalía General* as an autonomous public body. The reform eliminated the structure by which an office of the executive branch (the PGR) is charged with investigating and prosecuting federal crimes. In contrast to the PGR, the *Fiscalía* will be independent and *separate from the executive branch*. This gives the national prosecutor the autonomy and freedom to investigate—without influence or pressure from the executive—those cases that are necessary for reducing criminality, violence, and corruption, including in cases where this entails investigating senior government officials or politicians, the president's inner circle, his or her political party, or even the president.

Establishing a nine-year term for the post of national prosecutor. With the 2014 reform, the national prosecutor will continue to hold office despite changes in the presidency. While before the reform there was no limit to how long the attorney general could serve in office, it was customary for each new president to appoint the attorney general and other high-ranking positions within the PGR (a new president is elected every six years in Mexico). This aspect of the reform also seeks to give stability and continuity to the work of the national prosecutor and other officials in the institution, such as special prosecutors, heads of investigative units, and public prosecutors in charge of investigations. According to the PGR's records, over the past decade, each attorney general has served an average of only one and a half years in the post.[3]

Those who suffer most from this constant turnover in personnel are the victims of crimes and human rights violations: the consequences of the instability within the PGR range from a lack of results in investigations, to the inability to hold officials who leave the institution accountable, to the lack of continuity in medium-to-long-term policies for combatting crime.

Giving the Senate a predominant role in evaluating and selecting candidates for national prosecutor. The reform eliminated the current practice of allowing the president to propose a single candidate for the position of national prosecutor. Before the reform to Article 102, the Senate had the constitutional power to oppose the candidate proposed by the president. However, in reality the Senate never exercised this power, nor did it carry out a serious evaluation of each candidate's merits, relevant qualifications, or independence from political influence. Because of this, the appointment of the attorney general and other senior officials within the PGR became a space for political favors. With the reform to Article 102, the Senate is charged with evaluating all candidates and shortlisting ten of them. The president then proposes a list of three finalists, from which the Senate selects the national prosecutor.

Maintaining the president's power to remove the national prosecutor. The president maintains the authority to remove the national prosecutor from his or her post for "grave causes" (though the Senate can object to this decision). However, there have been cases where the Senate and the president have exercised their power to remove high-ranking PGR officials—and to appoint their replacements—in an irresponsible manner. For example, Santiago Nieto Castillo, the former Special Prosecutor for Investigating Electoral Crimes (*Fiscal Especializado en atención de Delitos Electorales*), was removed from his post just as he was investigating the president's inner circle, and his replacement was subsequently appointed through a secret vote.[4]

While the power to remove the national prosecutor and special prosecutors can serve as an important accountability mechanism, the current reform still lacks an adequate procedure to ensure that these decisions are not politically motivated.

The reform does not include a transparent, public, and participative procedure to evaluate and appoint the first national prosecutor. This furthers the risk that the appointment of the national prosecutor and the special prosecutors investigating electoral and corruption-related crimes could be based on political interests rather than on the merits and qualifications of the candidates.

BOX 1

THE RISKS OF CREATING A NEW INSTITUTION IN NAME ONLY

As with many new laws in Mexico, in the case of the *Fiscalía*, the devil is in the details. One of the most troubling aspects of the reform to Article 102 was that the sixteenth and nineteenth transitory articles of the reform ordered the "automatic transfer" ("*pase automático*") of the last attorney general and other PGR personnel to the new *Fiscalía General*. This increased the risk of simulating the creation of an "autonomous" *Fiscalía* that in reality would be the same institution—the PGR, but with a different name.

In December 2017, Mexico's federal Congress approved a constitutional reform that eliminates the automatic appointment of the attorney general as the first autonomous national prosecutor.[5] Before the reform can enter into force, however, it still has to be approved by at least 17 states, and it still allows for the automatic transfer of all other PGR personnel to the new *Fiscalía*.

This is concerning. **The automatic transfer of officials from the PGR to the new *Fiscalía***, without first evaluating their merits, career paths, and track record—and without first investigating any accusations of torture and other human rights violations and crimes that have mounted against them—would transfer, also automatically, many of the institutional vices and bad practices that have resulted in an ineffective criminal justice system in Mexico.

Even in cases with high levels of international supervision—such as the case of the 43 students from Ayotzinapa who were detained and forcibly disappeared by Mexican security forces—there is evidence that PGR officials have engaged in illegal acts, such as torture, tampering with evidence, arbitrary detentions, and violating the rights of detainees.

A recent report by the United Nations Office of the High Commissioner for Human Rights documents the torture of at least 34 detainees in the Ayotzinapa investigation. Based on interviews with detainees and the analysis of official case records, the report finds that in 67 percent of these cases, the victims claim they were tortured by members of the Federal Ministerial Police (*Policía Federal Ministerial*), who work within the PGR's Criminal Investigation Agency (*Agencia de Investigación Criminal*).[6] The PGR officials guilty of these practices must not be transferred over to the new *Fiscalía*.

MEXICAN SOCIETY DEMANDS AN AUTONOMOUS *FISCALÍA*

The instability in the post of attorney general in Mexico has been evident in the Ayotzinapa investigation. Since 2014, when the students were detained and subsequently disappeared by security forces and members of an organized crime group, three individuals have headed the PGR: Jesús Murillo Karam, Arely Gómez, and Raúl Cervantes. Their departures from the PGR made evident the carelessness and errors that have characterized the official investigation of the case.

Jesús Murillo was the attorney general who tried to impose the "historic truth" of the case—that the students' bodies were taken to a trash dump in the town of Cocula, Guerrero and incinerated.[7] Both the Argentine Forensic Anthropology Team (*Equipo Argentino de Antropología Forense*, EAAF)[8] and the Interdisciplinary Group of Independent Experts (*Grupo Interdisciplinario de Expertos Independientes*, GIEI), which was appointed by the Inter-American Commission on Human Rights (IACHR) to provide technical assistance to the Mexican government in the case,[9] discredited this theory as being scientifically impossible.

Meanwhile, Arely Gómez left the PGR a few days after it was revealed that the PGR inspector general (*visitador general*), who was conducting an internal investigation into possible illegal acts committed by PGR officials in the Ayotzinapa case, had been pressured to modify the conclusions of his investigation, which prompted his resignation.[10]

The inspector general had revealed in his investigation that several PGR officials (including Tomás Zerón, then-head of the PGR's Criminal Investigation Agency) had engaged in illegal investigative practices that merited a criminal investigation, including tampering with evidence and violating the rights of at least one detainee.

In the midst of this situation, Tomás Zerón resigned from the PGR, and President Peña Nieto named him Technical Secretary of the National Security Council (*Consejo de Seguridad Nacional*), a post that is less exposed to public scrutiny and has more political ties to the president.[11]

The departure of Attorney General Arely Gómez, the political protection of Tomás Zerón, and the hasty appointment of Raúl Cervantes all provoked widespread outcry as they were all done with little scrutiny from the Senate. Despite being questioned for his ties to the Institutional Revolutionary Party (*Partido Revolucionario Institucional*, PRI) and President Peña Nieto's inner circle, the Senate did not closely evaluate Cervantes before his appointment.

In response, human rights and anti-corruption groups, and other organizations, demanded an end to the practice of appointing the attorney general without first assessing the candidate's qualifications and suitability for the post. They also demanded that candidates' merits and background be taken into account when nominating the new *Fiscalía*'s

first national prosecutor and special prosecutors charged with investigating electoral crimes and acts of corruption. This demand was bolstered by the IACHR's 2015 report on the human rights situation in Mexico, which pointed to the lack of judicial independence in Mexico as one of the "structural causes" of impunity in the country.[12]

In this context, on October 19, 2016, several national and international human rights organizations, anti-corruption groups, business leaders, academics, human rights defenders, and opinion leaders published a full-page newspaper ad entitled "Mexico needs an autonomous and effective *Fiscalía* to fight impunity," which led to the creation of the coalition known as #FiscalíaQueSirva ("For a *Fiscalía* that Works").[13] #FiscalíaQueSirva has served as an important observatory and counterweight in the debate about the *Fiscalía* in Mexico.

Other social movements, human rights groups, and victims who have personally experienced the PGR's ineptitude in investigating crimes and human rights violations—such as the Movement for Our Disappeared in Mexico (*Movimiento por Nuestros Desaparecidos en México*)[14] and members of the Mexican business community who are dedicated to the fight against corruption (known as the #VamosPorMás coalition)[15]—have also joined forces to demand a truly autonomous *Fiscalía General*.

#FiscalíaQueSirva, the Movement for Our Disappeared in Mexico, and #VamosPorMás have ensured that the transition to the *Fiscalía* stays at the center of the national debate, they have prevented hasty legal reforms that Congress has tried to impose that would jeopardize the *Fiscalía*'s autonomy, and they pushed for the reform that eliminates the "automatic transfer" of the attorney general to the post of national prosecutor.

These groups also succeeded in pushing back against the rushed approval of the Implementing Law (*Ley Orgánica*) that will set the basis for how the *Fiscalía* will be structured and how the national prosecutor and special prosecutors will be appointed and removed, among other important functional aspects of the new institution. Civil society groups have called for an open and thorough debate about the Implementing Law so that the problems of the PGR are not transferred over to the *Fiscalía*.

These coalitions have published numerous reports about the *Fiscalía* and have organized international seminars in Mexico and elsewhere in Latin America about its importance.[16] They have also placed the issue on the international agenda through participating in public hearings held by the IACHR[17] and by submitting reports to the United Nations Human Rights Committee. They have organized events on this issue inside and outside of Mexico, held meetings with authorities in Washington, D.C. to explain the importance of the *Fiscalía* to the bilateral relationship between Mexico and the United States, and acted as a critical voice in the legislative debate around the *Fiscalía*.

BOX 2

THE AYOTZINAPA CASE AND THE *FISCALÍA GENERAL*

The enforced disappearance of the 43 students from the *Escuela Normal Rural "Raúl Isidro Burgos"* in Ayotzinapa by Mexican security forces on September 26-27, 2014 in Iguala, Guerrero unleashed an unprecedented national and international social outcry. The case became a paradigmatic example of the gravity of the crisis of disappearances in Mexico, and demonstrated the degree of collusion and complicity that exists between government officials and organized criminal groups in the disappearance of civilians.

The Ayotzinapa case has been fundamental to understanding the need for an autonomous *Fiscalía* in Mexico. The PGR has called the investigation into the Ayotzinapa case **"the most exhaustive investigation in Mexico's history"** in terms of the amount of resources it has dedicated to the case.[18] For being the most ambitious investigation in the history of Mexico, the results have been quite poor: the PGR has still not found the students, it has not initiated a single investigation into the crime of enforced disappearance, it has not detained several individuals linked to the students' disappearance, it has failed to exhaust several important lines of investigation proposed by the Interdisciplinary Group of Independent Experts, and it has yet to investigate and sanction the public officials responsible for tampering with evidence and torturing detainees in the context of the investigation.

While providing technical assistance to the Mexican government in the investigation of the case, the Group of Experts also made recommendations on how to improve the way the PGR investigates crimes. Some of the Group of Experts' key recommendations include: reducing bureaucracy within the institution, restructuring the PGR so that forensic services are independent, reducing the fragmentation of investigations between different offices within the PGR, improving the quality of official medical exams of victims so that they meet international standards, and having a cooperative attitude with regard to international assistance.[19] These recommendations are also applicable to the new *Fiscalía*.

THE MEXICAN BUSINESS SECTOR'S ANTI-CORRUPTION EFFORTS

Mexican society and businesses pay a high price for corruption. Corruption costs Mexico between 8 and 10 percent of its annual GDP, and the equivalent of 5 percent of the business sector's sales.[20] In other words, companies' efforts to achieve economic growth in the country are swept away by corruption.

Each year, the World Economic Forum's Global Competitiveness Index evaluates the factors that determine the economic competitiveness of over 137 countries. As seen in Table 1, Mexico occupies some of the lowest rankings when it comes to the institutional indicators that affect the productivity of the country's business sector, such as those related to judicial independence, government efficiency and credibility, and the capacity of government institutions to fight corruption and crime.[21]

In addition, business leaders identify corruption and crime as the two most problematic factors for conducting business in Mexico. A recent study by the Employers' Confederation of the Mexican

Republic (*Confederación Patronal de la República Mexicana*, COPARMEX) found that 44.2 percent of businesses in Mexico have been the victim of a crime, and that 43.2 percent have experienced some act of corruption.[22]

Further, according to Mexico's National Institute of Statistics and Geography (*Instituto Nacional de Estadística y Geografía*, INEGI), in 2017 the overall cost of corruption in Mexico was $7.2 billion MXN ($400 million USD), a 12.5 percent increase from 2015.[23]

These results demonstrate that the Mexican government's lack of capacity to effectively fight corruption and crime has important economic impacts on businesses, economic growth, and Mexican society as a whole.

TABLE 1

MEXICO'S RANKING ON THE GLOBAL COMPETITIVENESS INDEX, 2015-2017

INDICATOR	2015*	2016**	2017***
Irregular payments and bribes	99	103	105
Judicial independence	100	105	113
Public trust in politicians	114	124	127
Diversion of public funds	119	125	129
Business costs of crime and violence	135	135	131
Organized crime	136	135	134

** Out of 140 countries evaluated*

*** Out of 138 countries evaluated*

**** Out of 137 countries evaluated*

Source: https://bit.ly/2jZK8Rg

In light of this scenario, in recent years Mexican business leaders have promoted the "3 out of 3 Law" ("*Ley 3 de 3*"), a citizen's initiative that seeks to combat acts of corruption. This initiative aims to force public officials to present their declaration of assets and tax statements, and to identify possible conflicts of interest in public contracts and other government matters.

In addition to seeking transparency, the initiative aims to improve investigations into corruption cases. Business groups—especially small and medium-sized businesses—have taken a strong role in the debate about the *Fiscalía* and the appointment of a special prosecutor to fight corruption.[24] Ultimately, having a *Fiscalía* and an anti-corruption prosecutor that are autonomous (and have no ties or pending favors to sectors that could be investigated) is fundamental to anti-corruption efforts in Mexico.

BOX 3

THE ODEBRECHT INVESTIGATION IN MEXICO: POLITICAL PRESSURE AND IMPUNITY

The Brazilian construction company Odebrecht has been accused of having paid million-dollar bribes to officials and political parties in at least 12 Latin American countries. In several countries throughout the region, the Odebrecht case resulted in the investigation and detention of high-ranking officials and it has exposed massive corruption networks in Latin America. In Mexico, on the contary, the Odebrecht case is one of the most recent examples of how PGR prosecutors are pressured to stop investigating corruption cases involving certain powerful groups.[25]

According to Odebrecht officials' testimonies, Emilio Lozoya, then-Coordinator of International Affairs for Enrique Peña Nieto's political campaign, allegedly received at least $10 million USD in different moments: in 2012 as a bribe to influence the outcome of bidding processes and public contracts with the state-owned petroleum company *Petróleos Mexicanos* (PEMEX), and later when Peña Nieto was elected president and named Lozoya the Chief Executive Officer of PEMEX.[26] Journalistic investigations have revealed that while Lozoya was CEO of PEMEX between 2012 and 2016, Odebrecht received public contracts worth around $20 billion MXN ($1.1 billion USD) from PEMEX.[27]

In 2017, Santiago Nieto Castillo, then-head of the Special Prosecutor's Office for Electoral Crimes (*Fiscalía Especializada en Atención de Delitos Electorales*, FEPADE), launched an investigation against Emilio Lozoya, based on probes into bribes and transfers he received while working for Peña Nieto's presidential campaign. This would be the first corruption investigation targeting President Peña Nieto's inner circle.

Santiago Nieto then faced pressure and threats of lawsuits from Lozoya himself, and was subsequently ousted by the PGR, which alleged he had failed to comply with the institution's Code of Conduct by having made public the pressure he received during his investigation against Lozoya. Nieto—the only federal prosecutor who dared to investigate the governing party's possible participation in illicit campaign financing schemes—was fired in the months leading up to the start of the 2018 presidential electoral campaigns.

For several months, the FEPADE continued without a lead prosecutor, until the Senate appointed Héctor Marcos Díaz-Santana by a secret vote.[29] Mexican civil society strongly criticized the Senate for refusing to announce the names of the senators who appointed Díaz-Santana to head the FEPADE.[30] To this day, no other investigation into high-ranking officials in the Odebrecht case has been announced.

Recently, Nieto revealed to *The Wall Street Journal* that since he left his post at FEPADE, he has received threats and extortion attempts related to his investigation into the Odebrecht case, including from a high-level official within President Peña Nieto's administration who tried to "buy his silence."[31]

THE FUTURE OF THE *FISCALÍA*

The steps that Mexican politicians take to ensure the autonomy of the *Fiscalía* and the political independence of the first national prosecutor will affect millions of victims of crime in Mexico. They will also have consequences in the investigation of cases of disappearances, torture, crimes against migrants, and organized crime. And while there is not a specific deadline for passing the outstanding reforms or appointing the first national prosecutor, it is important to consider the following recommendations in future discussions around this topic.

BOX 4

THE *FISCALÍA*, REGIONAL COOPERATION, AND COOPERATION WITH THE UNITED STATES

The debate around the *Fiscalía* in Mexico is important on a regional level: in Latin America and in the United States, there are recent, troubling examples of how the executive branch has misused its power to appoint or designate prosecutors and attorney generals, and of how the appointment of such officials who are not politically independent can harm efforts to fight corruption and impunity in the region.

Moreover, the transition to the *Fiscalía General* is important for the United States not only because of its implications for bilateral cooperation with Mexico on issues related to drug trafficking and other transnational crimes, but also because of how it relates to the funds the United States has invested towards strengthening the country's judicial system through the Merida Initiative.[32] The IACHR has also raised the topic of the *Fiscalía* in its reports and visits to Mexico. We therefore include in this report recommendations for the U.S. government and the IACHR.

RECOMMENDATIONS

FOR MEXICO

- **Avoid the hasty appointment of national prosecutors and special prosecutors.** Mexico's president and the Senate must refrain from appointing prosecutors that lack the appropriate background and qualifications needed to carry out their roles. Prosecutors must be appointed through a transparent, public, and participatory procedure that allows for the careful evaluation and selection of candidates. This should include, at the very least, civil society's participation in the selection process, as well as holding public confirmation hearings for candidates.

- **Comprehensively reform Article 102 of the Mexican Constitution.** Mexico's Congress must comprehensively reform Article 102 of the Mexican Constitution to eliminate the "automatic transfer" of PGR personnel to the new *Fiscalía*, and to include in said article 1) a transparent, public, participatory, and merit-based procedure for selecting and appointing the first national prosecutor—a procedure that guarantees his or her autonomy, 2) a removal procedure that serves as an effective accountability mechanism when necessary, but at the same time ensures that prosecutors will not be politically pressured or persecuted, and 3) mechanisms that ensure that the new *Fiscalía* functions more effienciently, and that guarantee the proper transition of human and material resources, as well as criminal investigations that are already in progress, over to the new institution.

- **Guarantee a transparent, public, and participatory procedure for the evaluation and selection of the first national prosecutor and of the special prosecutors investigating electoral crimes and corruption.** This procedure must ensure the selection of a qualified candidate for each post that has the integrity, independence, knowledge, and temperament necessary to strategically guide the institution in the fight against criminality. The selection process must be based on standards of maximum transparency, and it must include, at the very least, public hearings.

- **Debate and approve the Implementing Law for the *Fiscalía*.** In addition to guaranteeing prosecutors' autonomy, the Mexican Congress must guarantee the proper internal organization of the *Fiscalía* via an Implementing Law. The *Fiscalía*'s prosecutors and senior officials must be guaranteed the freedom to carry out investigations and must be protected against reprisals for pursuing cases. This law should include input from civil

FOR THE UNITED STATES

- **In meetings with the Mexican government, insist on the importance of the *Fiscalía General*** to bilateral cooperation on issues related to criminal justice and security, and as a means to reduce impunity, improve the results of investigations into human rights violations, and to further anti-corruption efforts in Mexico.

RECOMMENDATIONS

- **Support the transition of the PGR into an autonomous *Fiscalía General*, and support the efforts of state governments that show a true commitment to creating autonomous *fiscalías* at the state level.** Through technical assistance and other types of collaboration, U.S. support for these efforts can help ensure that the internal structure of Mexico's *fiscalías* takes full advantage of the adversarial system and ultimately strengthens investigations into crimes and human rights violations.

- **Support the efforts of human rights and business groups** so that the processes for appointing the national prosecutor are transparent, public, and participative.

- **Support the work of the National Anti-corruption System's Citizen Participation Commitee (*Comité de Participación Ciudadana del Sistema Nacional Anticorrupción*, CPC),** as well as state-level citizen participation committees engaged in serious anti-corruption efforts, and strengthen their research capacity and advocacy work in order to further investigatons into corruption cases.

FOR THE IACHR

- **Continue monitoring and supporting the process of creating and consolidating Mexico's first autonomous *Fiscalía General*** to ensure that the process of designating the first national prosecutor— and the institutional design set forth in the Constitution and in the new Implementing Law— respect inter-American standards on the independence of prosecutors and prosecutor's offices.

ENDNOTES

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[10] "Reconoce ex visitador de PGR que le pidieron 'reconsiderar' resultados de investigación contra Zerón (Video)," *Aristegui Noticias*, March 9, 2017, http://aristeguinoticias.com/0903/mexico/reconoce-ex-visitador-de-pgr-que-le-pidieron-reconsiderar-resultados-de-investigacion-contra-zeron-video/.

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[12] Inter-American Commission on Human Rights, "Situación de derechos humanos en México", December 31, 2015, http://www.oas.org/es/cidh/informes/pdfs/mexico2016-es.pdf.

[13] #FiscalíaQueSirva is a collective of civil society organizations, academics, victims, social leaders, and business groups dedicated to reducing impunity in Mexico through the creation of institutions capable of carrying out efficient and impartial investigations.

[14] The Movement for Our Disappeared in Mexico is a movement of more than 70 collectives of organizations and families of disappeared persons in Mexico.

[15] #VamosPorMás is a collective of civil society organizations, academics, business groups, and citizens dedicated to the creation of institutions that combat corruption and impunity, and that guarantee respect for human rights.

[16] On November 28-29, 2017, the International Seminar titled "La Fiscalía que México necesita: reflexiones desde la experiencia latinoamericana para el diseño de la nueva Fiscalía General de la República" took place in Mexico City: http://fundacionjusticia.org/cms/wp-content/uploads/2013/06/LaFiscaliaQueMexicoNecesitaSeminario.pdf.

[17] In the context of the 161st Period of Sessions of the Inter-American Commission on Human Rights, the public hearing titled "Situación de independencia y autonomía del sistema de procuración de justicia in México" took place in Washington, D.C.: http:// fundacionjusticia.org/cms/wp-content/uploads/2017/03/ Informe-de-Audiencia-Situacion-de-independencia-yautonomia-Fiscalia-MX-16-Mar-VFF.pdf.

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The Washinton Office on Latin America (WOLA) is a leading research and advocacy organization advancing human rights in the Americas. We envision a future where public policies protect human rights and recognize human dignity, and where justice overcomes violence.

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DPLF is a regional organization comprised of professionals with a variety of nationalities, that promotes the Rule of Law in Latin America through the use of analysis and recommendations, cooperation with private and public organizations and institutions, exchanges of experiences, and advocacy efforts.

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