Introduction

In response to the letter sent by the Office of the United Nations High Commissioner for Human Rights inviting the Mexican State to submit contributions for the preparation of its next report on ‘Human Rights and Terrorism’, based on Human Rights Council resolution 51/24, the Mexican State submits the following information.

Information on the implementation of administrative measures in the context of the fight against terrorism in Mexico.

According to Article 25 of the United Nations Charter (UNSC), the Mexican State is obliged to comply with the resolutions issued by the United Nations Security Council (UNSC), which are legally binding under Mexican law. These resolutions oblige member states to implement measures to restore international peace and security, based on Chapter VII of the UNSC.

In this regard, Article 41 of the UN Charter establishes the UNSC's power to impose sanctions in order to prevent a greater threat to international peace and security.

In practice, the sanctions imposed by the UNSC are:

(a) Ban on travel or movement within the territory of a Member State;

b) a ban on originating or terminating flights in the territory of a Member State; c) an immediate freezing of assets; and

c) Immediate freezing of assets; and

d) Arms embargo.

Since terrorism and its financing, as well as the proliferation of weapons of mass destruction, are considered serious threats to the maintenance of international peace and security, the UNSC has issued several resolutions in order for Member States to adopt measures to prevent and counteract these scourges. In this regard, the following stand out:

**Resolution 1267 (1999**), requires Member States to freeze funds and other financial resources owned or controlled directly or indirectly by the Taliban.

**Resolution 1373** requires Member States to freeze the funds and other financial assets or economic resources of persons who commit, or attempt to commit, participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of or at the direction of such persons and entities.

**Recommendations 6 and 7 of the Financial Action Task Force (FATF)** state that a regime of targeted financial sanctions should be implemented to comply with the UNSC resolutions on the prevention and suppression of terrorism, its financing and the proliferation of weapons of mass destruction to persons or entities designated by the UNSC.

Furthermore, the Interpretative Notes to Recommendations 6 and 7 detail and clarify the objective of the Recommendations; the identification and designation of persons and entities that finance or support terrorist activities; the freezing and prohibition of handling of funds or other assets of designated persons and entities; the procedures for delisting, unfreezing and providing access to frozen funds or other assets; the UN designation criteria;

Immediate Outcome 10, which states that terrorists, terrorist organisations and financiers of terrorism are prevented from raising, transferring and using funds and from abusing NPOs.

● Immediate Outcome 11, which states that persons and entities involved in the proliferation of weapons of mass destruction are prevented from raising, transferring and using funds, in accordance with UNSC Resolutions.

In this regard, the Mexican State has a legal framework that complies with the highest international standards in preventing and combating Money Laundering, Financing of Terrorism and Proliferation of Weapons of Mass Destruction (ML/FT/WMD).

**In this regard, Mexico has signed and ratified the following international legal instruments related to the prevention and combating of ML/FT/FP:**

● Convention for the Suppression of the Financing of Terrorism, 2000;

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971; ● Convention on the Prevention and Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971;

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the UN General Assembly, 1973; ● Convention on the Suppression of Terrorist Financing, 2000; ● Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971;

● International Convention against the Taking of Hostages, adopted by the UN General Assembly, 1979; ● Protocol for the Suppression of Unlawful Seizure of Hostages, adopted by the UN General Assembly, 1979;

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention on International Civil Aviation, adopted by the UN General Assembly, 1973

**In addition, Article 5, section 1 of the National Security Law** considers acts aimed at terrorism as a threat to Mexican national security, while section X considers any act of financing terrorist actions and organisations. In addition, Chapter VI Bis of the Federal Criminal Code criminalises the financing of terrorism and acts of terrorism, as required by the Convention on the Suppression of the Financing of Terrorism.

In addition, **the ‘Blocked Persons List’ (Article 115 of the Law on Credit Institutions** - and its correlatives for the different sectors of financial institutions) was established in the national regulations, whereby the various entities and institutions of the financial sector are obliged to immediately suspend the performance of acts, transactions or services with their clients or users, This list includes those persons who appear on the lists derived from Resolutions 1267 (1999) and subsequent resolutions, 1373 (2001) and others issued by the UNSC or international organisations.

The Blocked Persons List is intended to prevent and detect acts, omissions or transactions that could fall under the offences of money laundering and terrorist financing.

Similarly, there is a mechanism for those who carry out Vulnerable Activities (or Designated Non-Financial Activities and Professions), referred to in Article 17 of the Federal Law for the Prevention and Identification of Operations with Illicit Proceeds, to avoid being used to commit money laundering, terrorism and its financing, for which reason the ‘List of Related Persons’ was issued, which establishes that Vulnerable Activities must immediately and preventively suspend the performance of acts or operations with the listed persons or entities; preventively and immediately immobilise resources, rights or assets of any nature owned or controlled by the listed persons or entities.

Financial institutions and Vulnerable Activities must submit a report to the Financial Intelligence Unit (FIU) within 24 hours of identifying funds or assets, or blocking transactions.

It is important to note that persons included in the list of blocked persons may assert their rights through the procedure of Guarantee of Hearing before the FIU, as established in Article 116 Bis of the Law on Credit Institutions, as well as in the General Provisions (DCG) applicable to Article 115 of the aforementioned Law (73rd Provision).

On the other hand, according to the 75th of the DCG, the SHCP may authorise access to certain resources, rights or goods, as well as acts, transactions or services, in accordance with the following:

I. To Clients or Users that are included in the List of Blocked Persons, in terms of the international treaties signed by the Mexican State, in terms of Resolution 1452 (2002) of the United Nations Security Council, and

II. To the Entities, with respect to the obligations they have with any Client or User contracted with any Entity, among others, in accordance with the guides, guidelines or best practices issued by the Secretariat for such purposes.

Information on the regulatory framework used to implement administrative measures to combat terrorism, and the interrelationship between these measures and the use of the criminal justice system to prevent and combat terrorism in Mexico.

The National Security Law imposes obligations and powers on various agencies of the Federal Public Administration, which carry out actions to contribute to the strengthening of Human Rights and International Humanitarian Law, in order to be prepared and coordinated to prevent or face internal and external conflicts and challenges, as well as to address those antagonisms that put at risk the integrity of persons, population, institutions and/or the governability of the Mexican State.

In addition, the Mexican regulatory framework in this area is set out in the Federal Criminal Code: Articles 40, 139, 139 Bis, 139 Ter, 139 Quáter, 139 Quinquies, 148 bis and 400 bis.

Information on the challenges and benefits of the use of these administrative measures, as well as good practices and lessons learned in Mexico.

The Mexican State has made significant progress in capacity building in the prevention and protection against terrorism, through the adoption of good practices such as the training of personnel and the exchange of information with international bodies such as the United Nations and agencies such as the United Nations Office on Drugs and Crime, the United Nations Office on Drugs and Crime and specialised agencies such as the International Atomic Energy Agency or the Organisation for the Prohibition of Chemical Weapons; regional bodies such as the Inter-American Committee against Terrorism (CICTE), the United Nations Office on Drugs and Crime (UNODC), the United Nations Office on Drugs and Crime (UNODC) and the United Nations Office on Drugs and Crime (UNODC);

The Mexican State has been able to implement strategies for the implementation of national actions that have enabled the Mexican State to address the risk of such global threats.

Details of safeguards in place, including oversight mechanisms, to ensure that administrative measures do not violate human rights.

Administrative measures are subject to monitoring and control mechanisms to ensure that human rights are respected at all times. In this regard, the Mexican State has internal review protocols, as well as mechanisms that allow for effective oversight of actions and ensure compliance with relevant rules and regulations.

The Political Constitution of the United Mexican States protects individual guarantees (human rights) in Articles 1 to 29 and Article 133 defines the Constitution as the supreme law of the country.

International treaties concluded in accordance with the Constitution, once published, form part of the internal legal order.

However, international human rights treaties, signed and ratified by the Mexican State, have constitutional hierarchy and prevail in the domestic legal order, to the extent that they do not alter the guarantees and rights established by the Supreme Law.

Human rights impact assessments prior to the design and implementation of administrative measures in the fight against terrorism.

There have been no cases in the Mexican State concerning the implementation of counter-terrorism measures that have resulted in human rights violations.

Information on the concrete measures they have adapted to ensure accountability and access to remedies in case of human rights violations resulting from the application of administrative counter-terrorism measures.

In the Mexican State, there have been no recorded cases concerning the application of counter-terrorism measures that have resulted in human rights violations.

However, there is a robust national and international legal framework on Human Rights that encompasses:

● The Political Constitution of the United Mexican States;

● More than 70 international instruments signed by the Mexican State in the field of Human Rights;

It is aligned with three international jurisdictions: the Inter-American Court of Human Rights, the International Court of Justice and the International Criminal Court.

It is part of the United Nations, and therefore assumes the work of the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights;

● It is aligned to the Inter-American Commission on Human Rights; as well as 35 international charters and principles; and,

● It has more than 50 federal laws, 38 regulations, eight agreements, three guidelines, three plans and programmes and three conventions in the field of human rights.