

Mexico – national procedures for transfer of sentenced persons  
Updated 01/09/2015

States Parties are requested to fill in this table with the necessary information and return it to the Secretariat of the PC-OC. The information contained in this table should be updated on a yearly basis.

<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for the transfer of sentenced persons:</p>	<p>Procuraduría General de la República Dirección General de Procedimientos Internacionales Lic. José Manuel MERINO MADRID Av. Paseo de la Reforma 211-213, Col. Cuauhtémoc, Del. Cuauhtémoc, C.P. 06500, México, Distrito Federal. Telephone: (+52) 55 5346 0113 // (+52) 55 5346 0125 Fax: (+52) 55 5346 0902 // (+52) 55 5349 0903 e-mail: <a href="mailto:dgpi@pgr.gob.mx">dgpi@pgr.gob.mx</a> // <a href="mailto:josemanuel.merino@pgr.gob.mx">josemanuel.merino@pgr.gob.mx</a></p>
<p>If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):</p>	<p>Secretaría de Relaciones Exteriores (Secretariat of Foreign Relations or SRE), through the Mexican consular or diplomatic representations</p>
<p>If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned (name of the institutions, address, telephone, fax and e-mail where available):</p>	
<p>Channels of communication for the request for the transfer of sentenced persons (directly, through diplomatic channels or other):</p>	<p>Requests for the transfer of sentenced persons, as well as their corresponding answers, will be formulated diplomatically and in writing through the SRE and its consular and diplomatic representations.</p>
<p>Means of communication (e.g. by</p>	<p>Directly between Central Authorities, by phone, e-mail, fax or</p>

post, fax, e-mail <sup>1</sup> ):	mail.

Language requirements:	<p>English and Spanish.</p> <p>Note: It is required that the Requests for the transfer of sentenced persons, its annexes and, if applicable, its answer be accompanied by the respective translation to Spanish.</p>

Documentation required:	<p>The Requests for the transfer of sentenced persons must be presented along the following list of information and documents:</p> <ul style="list-style-type: none"> <li>• Name, date and place of birth of the prisoner;</li> <li>• A list of the facts that gave way to the sentence;</li> <li>• A document proving the prisoner’s consent, or that of his or her legal representative, to be transferred;</li> <li>• The judgement, clearly stating both the start and end dates;</li> <li>• Certified copy of the judgement and the text containing the applicable legal dispositions that sustain the sentence;</li> <li>• The official document indicating the time of penalty already served, as well as a certificate indicating if the sentenced person has complied with all fines and sanctions imposed;</li> <li>• Any other information deemed useful for the authorities to determine the situation of the prisoner in the framework of his or her social readaptation, including information regarding the sentenced person’s health status and danger-level, his or her conduct and work during reclusion;</li> </ul> <p>The State of Compliance, at the request of the State of Conviction, will refer back:</p>
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<sup>1</sup> Please indicate if encryption or electronic signature is required.

	<ul style="list-style-type: none"> <li>• A document proving the nationality of the sentenced person;</li> <li>• A copy of the legal dispositions of the State of Compliance proving that the actions or omissions that gave way to the judgement in the State of Conviction constitute a penal infraction or would if committed in its territory.</li> </ul>
Continued enforcement or conversion of the sentence <sup>2</sup> :	In conformity with the CETS. 112 Mexico is exempt from the application of Article 1, paragraph 1, subsection b, when acting as the State of Compliance.
General rules on early release:	The Mexican Criminal Code establishes in its Article 70 the rules for the substitution or the commutation of the sanctions; in its Article 84, the cases and requirements for awarding preparatory liberty and in its Article 90 the norms that will have to be observed in order to award the benefits of conditional sentence or early freedom.
Scope of application with regard to transfer of mentally disordered persons:	There is not a legal impediment to stop a person with a special condition or suffering a mental disorder from being transferred in due time, once the particular situation has been analysed in light of all necessary documents and decided upon the pertinence or lack of it for a transfer. On that same line, there is in our country a prison to receive or intern these kind of people: The CEFEREPSI (Federal Center of Psychosocial Rehabilitation)
Scope of application with regard to nationals and/or residents:	At the moment of adhesion to the Convention on the Transfer of Sentenced Persons, Mexico made a declaration stating who would be regarded as Mexican nationals, based on what's established in Article 30 of the Constitution of Mexico, that points out:

<sup>2</sup> In case the sentence is converted, please specify whether this is done before or after the transfer has taken place.

	<p>Chapter II</p> <p>Mexicans</p> <p>Article 30. Mexican nationality is acquired by birth or by naturalization:</p> <p>A. Mexicans by birth are:</p> <p>I. Those born in the territory of the Republic, regardless of the nationality of their parents:</p> <p>II. Those born in a foreign country of Mexican parents; of a Mexican father and a foreign mother; or of a Mexican mother and an unknown father;</p> <p>III. Those born on Mexican vessels or airships, either war or merchant vessels.</p> <p>B. Mexicans by naturalization are:</p> <p>I. Foreigners who obtain letters of naturalization from the Secretariat of Foreign Relations;</p> <p>II. The Foreigners married to Mexicans who live within the national territory and fulfil all legal requisites.</p> <p>Since the CETS. 112 makes no reference to residents of a country, it shall only be applied to nationals.</p>
Other particularly relevant information (such as practice regarding time limits or revocation of consent):	

Links to national legislation, national	<ul style="list-style-type: none"> <li>• National legislation (Orden Jurídico Nacional): <a href="http://www.ordenjuridico.gob.mx/Documentos/Federal/wo88677.doc">www.ordenjuridico.gob.mx/Documentos/Federal/wo88677.doc</a></li> <li>• Procedure for Transfers of Sentenced Persons to Mexico and from</li> </ul>
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guides on procedure:	<p>Mexico (Secretariat of Foreign Relations):  <a href="https://sre.gob.mx/images/stories/docnormateca/manproce/om/dgaj/pr-dgaj-18.pdf">https://sre.gob.mx/images/stories/docnormateca/manproce/om/dgaj/pr-dgaj-18.pdf</a></p> <ul style="list-style-type: none"> <li>Federal laws (Chamber of Representatives):  <a href="http://www.diputados.gob.mx/LeyesBiblio/">http://www.diputados.gob.mx/LeyesBiblio/</a></li> </ul>
Link to information about the Convention (according to Article 4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about ETS°112 and PC-OC INF 12):	<ul style="list-style-type: none"> <li>Secretaría de Relaciones Exteriores (Secretariat of Foreign Relations or SRE): <a href="http://www.sre.gob.mx/tratados/index.php">http://www.sre.gob.mx/tratados/index.php</a></li> </ul>
<b>For Parties to the Additional Protocol</b>	
Information on the implementation of Article 2 (e.g. interpretation of “by fleeing to”):	<p><b>NOTE: Mexico has not signed nor adhered itself to the Additional Protocol to the Convention on the Transfer of Sentenced Persons (CETS. 112).</b></p>
Information on the implementation of Article 3 (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the	

sentence):	
Documentation required:	
Other relevant information:	