

How will the courts and judicial authorities operate during the COVID-19 contingency in Mexico?

At ECIJA we consider relevant to keep our clients and friends opportunely informed and, for this reason, we have made a brief summary of those courts that have ceased labor and those that will operate on “guards” to attend those matters that due to its nature are of urgent interest.

Federal judicial and administrative procedures

In accordance with the applicable law, in the event that the judicial or administrative authorities determine it, labors and terms (deadlines) may be suspended; such determinations and their scope must be disclosed to the public as follows:

1. Judicial Procedures: By decree of the Plenary of the Supreme Court of Justice of the Nation (SCJN), due to fortuitous case or force majeure, (or in accordance with the legislation of each Superior Court of Justice of the States of the Mexican Republic) administrative authorization to suspend labor activities might be issued. As a result, such day will be considered non-business and in these cases the expiration of terms or of the instance will not operate.

2. Administrative Procedures: The Federal Law of Administrative Procedure (LFPA), authorizes the Heads of Federal Offices of the Executive Branch to suspend work activities due to duly justified force majeure or fortuitous case. It enables them to determine that the deadlines set forth in the law will not elapse for purposes of the petitions, proceedings and actions within the procedures currently in process or that should be processed in order to give legal certainty and security to all those who have matters in study.

As a result of the foregoing, in order to protect the health security of the population and eventually, of its visitors, the authorities have adopted various actions to contain COVID-19: The actions include hygiene measures, suspension of massive acts and events, sanitary controls at schools, work centers and airports, as well as suspensions or restrictions on arrivals and departures to the territory or to some of its regions.

Thus, by express mandate of articles 1 (third paragraph) and 4 of the Political Constitution of the United Mexican States, the state is obliged within the scope of its authority to promote, respect, protect, and guarantee the human right to a healthy

environment for the development and well-being of citizens.

Exception. With the exception of the SCJN and the Electoral Court, it was determined by General Decree 4/2020, that there would be no procedural deadlines and terms, nor holding hearings, nor Circuit Plenary sessions, **establishing a calendar for shifts, to attend to the urgent matters included in Articles 15 of the Amparo Law and 48, sections I, III to IX, XI and XII of the General Decree of the Plenary of the Federal Judiciary, which refer to issues such as deprivation of life, or of communications, deportation, expulsion, proscription or exile, extradition and forced disappearance of people, among others.**

Regarding the Federal Electoral Court (TEPJF), as of the indicated date, the public sessions for the next two weeks are suspended; therefore, only those matters allowed by the Law of the Federal Judiciary Branch or the Internal Regulations will be resolved in a private session. **However, the TEPJF clarifies that it will continue to work in the jurisdictional and administrative activity in order to maintain the course of those legal procedures initiated, to provide certainty to the people.**

The Federal Criminal Justice Centers ("CJPF"), considered urgent determinations as unpostponable, such as, without limitation, **those relating to the qualification of arrests, committals to trial, implementation and modification of precautionary measures related to preventive detention and extradition determinations.**

The Executive specialized Courts with jurisdiction throughout the country and domiciled in Mexico City, **considered urgent, the following matters, among others:**

- 1) actions prior to the imminent compurgation of the penalty,**
- 2) pre- release benefits already determined pending execution,**
- 3) urgent decrees on conditions and internment regarding medical care corresponding to the third level of sanitation, segregation and torture and**
- 4) specific issues related to COVID-19 raised by liberty deprived individuals, to order the administrative authority to adopt measures to guarantee medical revision and attention.**

The Federal Criminal Procedural Courts, **considered of urgent processing the following cases:**

- 1) proceedings to receive preparatory statements,**
- 2) acts in the pre-instruction period and**
- 3) decisions regarding the execution of sanctions in proceedings arising from facts occurred until 2011**

Judicial and administrative procedures in Mexico City

Both the administrative and the judicial courts of justice of Mexico City², through the corresponding decrees, in view of the COVID-19 situation, authorized the "Contingency Plan for the Judiciary Branch of Mexico City, **determining the suspension of work and, consequently, the suspension of procedural terms in the Judiciary Branch of Mexico City, starting from March 18 and resuming work on April 20, 2020.**

Exceptions

In criminal matters. In order to prevent interrupting the due administration of justice and to continue providing the service, **the corresponding shifts must be adopted for the courts of the first instance for criminal matters in Mexico City (traditional system) to comply with urgent detentions or searches and to comply with the law for women's access to a violence free life.**

In family matters. In the courts of family matters following **WRITTEN** procedure, **regarding the delivery of deposit tickets derived from maintenance payment trials, a shift rotation was established in order to proceed with the delivery of said tickets and not affecting the rights of the individuals,** making prevail the minor's superior right to receive maintenance; in the understanding that said shift will be from 09:00 to 15:00.

Institute of Forensic Sciences of the Court. It must continue operating in strict adherence to the protocols of its competence, observing at all times the following guidelines:

- Psychiatric and medical evaluations of torture already scheduled in the period must be carried out with the appropriate security measures.
- Shifts should be established to conduct the necropsies prescribed by the law, with the necessary administrative personnel to meet such requirements.
- Urgent psychiatry studies, shall be practiced through personnel shifts, under the strictest responsibility of the Director of INCIFO, which shall observe for such purposes the necessary measures and use the mandatory safety equipment.

Disseminate in printed and / or electronic form, under the strictest responsibility of the Director of INCIFO, the "Forensic medical practice guide for suspected, probable or confirmed cases.