

NEWS LETTER

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MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS (CNDH) SIGNED AGREEMENTS OF COLLABORATION WITH SEVERAL NGO'S

The President of the Mexican National Commission for Human Rights, Dr. José Luis Soberanes Fernández, signed cooperation agreements with ten NGO's, allowing them to legally represent those who initiate complaints before the CNDH, as well as to carry out activities such as the promotion and defense of fundamental guarantees.

The main objective of these agreements is to develop preventive actions to the violation of fundamental guarantees, specially towards vulnerable groups of society. Participants at the ceremony were the National Council of NGO's, the Committee for the Defense of Individual Guarantees of the Municipality of Mújica, the Casa Alianza Foundation, the National Association for the Protection of Newborn Babies, Renacimiento Foundation to Aid Children who Work, Study and Seek to Improve, the Santa Fe Youth Council, Presevam A.C., Comunicación Cultural A.C., the Institute for the Integral Attention of the Burnt Child, as well as the Institute for the Integral Attention of the Burnt Child in Querétaro.

Dr. Soberanes Fernández explained, during the signature of these agreements, that the participation of organized civil society is fundamental and will be decisive towards guaranteeing the democratic state of law that all Mexicans aspire to achieve; and he also stated, that the defense of fundamental guarantees must be above any particular or personal interest.

RECOMENDACIONES

Recommendation 12/2002

May 14, 2002

Case: Homicide of Mr. Guillermo Vélez Mendoza.

Authority addressed: México's Federal Attorney General.

On March 31, 2002, Mr. Guillermo Félix Vélez Pelayo presented to the National Commission a written complaint regarding the death of his son Guillermo Vélez Mendoza, caused by personnel from the Federal Attorney General's Office (PGR), as well as by diverse irregularities during his detention.

In his written complaint, Mr. Vélez pointed out that on the 29th of said month and year, his son, who worked as the administrator of the Gymnasium "XXX", owned by Mrs. MIG, was taken out of his home through the use of false pretenses, by the gym's accountant and another person, who indicated that they had an interest in the sale of some of the gym's equipment, in order raise the necessary funds needed to pay for Mrs. MIG's ransom who was kidnapped by a criminal gang. The next day, personnel from the Attorney General's Office informed him that his son had been arrested "because he was linked" to a band of kidnappers, and that he had died inside an official vehicle and that his death had been "a natural death, due to unknown causes". After the body of his son was delivered to him, with his death certificate, he noticed that the body presented multiple wounds, which was confirmed by a doctor, friend of the family, and due to this, he assumed his son had been tortured. He also declared that, in reading the written statement of the preliminary inquest, he noticed that his son had died "at the hands of federal investigatory agents" giving no justification at all, and that the

proceedings that were carried out far from promoting the clarification of the facts, they had in reality confused the investigation, by trying to protect the public servants who killed him.

From the analysis of the documentation handed over and the investigation carried out by this National Commission were identified violations to the rights of life, integrity and personal security, legal security, protection of the personal honor and reputation of Mr. Vélez Mendoza, carried out by personnel from the PGR, through actions consisting in arbitrary detention, cruel and degrading treatment, homicide, irregular integration of the initial investigation and unlawful exercise of the public office.

On those basis, this National Commission issued Recommendation 12/2002 in which the Federal Attorney General is asked to initiate procedures, of the Internal Comptroller's Office at the Ministry of the Comptroller and Administrative Development, against the investigating federal agents, due to the considerations established in the section on observations, contained in the Recommendation, to the effect that, these be investigated as part of this complaint file. In the same way, that the procedure be extended to the above mentioned Internal Comptroller, against the agents of the Federal Public Ministry, who intervened in the integration of the inquest.

Recommendation 13/2002

May 15, 2002

Case: Death of Mr. Andrés Jiménez Marín.

Authority addressed: General Director of the Mexican Social Security Institute (IMSS).

The CNDH received the written complaint on December 4th, 2001, by reason of competence, from the State Commission for Human Rights of Jalisco. Mrs. Eselia Curiel Hermosillo denounced presumed violations to Human Rights, to the protection of health and the life of her husband, Mr. Andrés Jiménez Marín, due to actions consisting in an inadequate medical service rendered by the personnel attached to the Emergency Service of IMSS's Unidad de Medicina Familiar No. 19 (Family Medical Unit No. 19) in Guadalajara, Jalisco, which brought about his death.

From the analysis of the documentation handed over and the investigation carried out, the National Commission had sufficient elements to prove violations to the Human Rights of the injured person, consisting in a violation of the Right to the Protection of Health and Life through adequate public health services, by reason of acts or omissions by public servants.

On those basis, the National Commission issued Recommendation 13/2002 addressed to the General Director of the IMSS, asking for an investigation by the Internal Comptrollership of IMSS in order to start and determine the administrative procedure against those persons responsible, and once a legal opinion is reached, the corresponding compensation be given to the heirs of the deceased person.

Recommendation 14/2002

May 17, 2002

Case: Appeal presented by the recently graduated teachers from the Rural Teacher's School "General Emiliano Zapata".

Authority addressed: Governor of the State of Morelos.

On January 23rd of this year, the recently graduated teachers of the Rural Teacher's School "General Emiliano Zapata", presented an appeal to the National Commission due to the fact that the Institute of Basic Education of the State of Morelos caused damage to their Human Rights, by not fulfilling the existing agreement of giving jobs to teachers of elementary education.

From the analysis of the documentation handed over and the investigation carried out by the National Commission it was determined that the Human Rights of the injured persons had been violated because the Institute of Basic Education of said State, had incurred in a discriminatory conducts, such as not taking into account the level of academic achievement, as well as not responding to the Recommendation issued by the State Commission for Human Rights of the State of Morelos, including the reports required, regarding this issue, by this National Institution.

On the basis of the above the CNDH issued Recommendation 14/2002, addressed to the Governor of the State of Morelos, asking that the State Commission's Recommendation addressed to the Ministry of Education of Morelos, be carried out. It also asks the Ministry of the Comptroller of Morelos to initiate an administrative procedure of responsibility and that it punish the public servants working for the Legal Direction of the Institute of Basic Education, who were the ones responsible for giving an answer to the petition made by the National Commission on January, 2002.

Recommendation 15/2002

May 15, 2002

Case: Mr. Ignacio Pinacho Ramírez.

Authority addressed: Minister of Public Education (SEP).

On October 2, 2001, the National Commission received the written complaint presented by Mr. Ignacio Pinacho Ramirez, in which he told about facts constituting violations to Human Rights, committed against him by personnel of the Direction of Initial Education of the Ministry of Public Education (SEP).

From the analysis of the documentation handed over and the investigation carried out, the National Commission was able to find proof of violation of Human Rights of the injured person in virtue of the fact that the Director of Initial Education at the General Direction of Educational Services Operations of the Federal District of SEP, incurred in discriminatory treatment against the injured person, by denying his son admission to a SEP Center for Child Development, because he was a man, justifying this by saying that the assistance provided to girls and boys that go to these centers is a contractual service which is only given to female personnel working for SEP.

On the basis of the above the National Commission concluded that it is the obligation of SEP authorities to give equal treatment to its workers and that the facts above described cause damage to the right to equality and the prohibition of the discrimination of man, which are inscribed in several international treaties, signed and ratified by México and which constitute rule of law in our country.

For this reason, the CNDH issued Recommendation 15/2002 in which it asks that the necessary measures be taken so that the minor is registered in the SEP Center for Child Development, and that the Second and Third Operative Guidelines for SEP's Working Parents, be modified to the effect that, under equal circumstances, admission to SEP's Centers for Child Development of children of both mothers and fathers, be considered.

Recommendation 16/2002

May 23, 2002

Case: Appeal presented by Mr. Luis Raúl Granillo Cháirez.

Authority addressed: Governor of the State of Chihuahua.

On August 11, 2002, the National Commission received an appeal presented by Mr. Luis Granillo Cháirez, in which stated his non-conformance in face of the non-acceptance of Recommendation 16/2002, issued by the Chihuahua State Commission for Human Rights, addressed to the Head of Chihuahua's Department of Social Prevention, which recommended that an administrative procedure of responsibility be initiated by the Comptroller's Internal Affairs Department, against the Director of the State Penitentiary, and that the necessary actions be carried out to end the isolation in which the injured person found himself.

From the analysis of the documentation handed over and the investigation carried out, the National Commission had proof that by imposing upon Mr. Granillo Cháirez a sanction, without having the competence to do so, the penitentiary center had not fulfilled the rules of procedure and had dictated a resolution without foundation, and motivation, and for this reason the CNDH issued Recommendation 16/2002, addressed to the Governor of the State of Chihuahua, with the object of giving wider procedure to the organ of Internal Control of the State, so that it initiate and determine the administrative procedure of investigation against the Director of the State Penitentiary of Chihuahua, and against, at that time, the members of the penitentiary center's Interdisciplinary Technical Council, as well as to the two custodians for the conduct carried out, damaging Mr. Granillo Cháirez.

Recommendation 17/2002

May 23, 2002

Case: Appeal presented by Mr. Antonio Echevarria Dominguez.

Authority addressed: Governor of the State of Nayarit.

On March 4, 2002, the National Commission received an appeal presented by Mr. Julio César Jiménez Arcadia, in which he stated his non-conformity as a result of the non-acceptance of Recommendation 25/2001, issued by the Human Rights Defense Commission of the State of Nayarit, addressed to the State Attorney General's Office, about the solution of the complaint file.

From the analysis of the evidence in this Recommendation, there is sufficient proof to establish the legal basis of the grievance presented by the appellant, since in the reasoning made by the Human Rights Defense Commission of the State of Nayarit, it was evident that there had been violations to their Human Rights, committed by several public servants working in the State Attorney General's Office, by virtue of the fact that the non-conformity was not duly notified of the arrest imposed to him, was deprived of his freedom, received indignity treatment and was victim of abuse of authority and torture, thus damaging in his person the principle of due process and the right to juridical safety.

On the basis of the above, the National Commission issued Recommendation 17/2002, addressed to the Governor of the State of Nayarit, asking that Recommendation 25/2001, addressed by the State Commission for Human Rights of Nayarit to the State Attorney General's Office, be carried out in full. It also recommended to give out orders so that those elements serving as basis for the issuance of the Recommendation, be valued by the State Attorney General's Office in order to resolve about the legal basis of extracting from the reserve the initial investigation and that as soon as possible it be integrated and determined according to the Law.

Recommendation 18/2002

May 23, 2002

Case: Mr. Teodoro Santos Pacheco Uribe.
Authority addressed: General Director of México's General Hospital.

On November 20, 2001, this National Organism received the written complaint in which the injured person stated that on February 27, 1999, he presented a labor suit to the Federal Tribunal for Reconciliation and Arbitration, against the General Director of México's General Hospital, in which he had asked to be reinstated in his job and be given the payment corresponding to his due salary. The labor authority resolved in favor of the complainant, but to that date, this resolution has not been carried out, reason for which he asked for the intervention of the National Organism.

From the analysis of the documentation handed over and the investigation carried out, the National Commission issued Recommendation 18/2002, addressed to the General Director of México's General Hospital, so that it fulfill the favorable decision given to the worker. Also, it asked that the internal organ of control of the Ministry of the Comptroller and Administrative Development of that hospital be notified, so that the administrative procedure of investigation be initiated to determine the probable responsibility in which might have incurred those public servants in charge of giving course to the re-installment procedure.

Recommendation 19/2002

May 30, 2002

Case: Appeal presented by Mr. Porfirio de la Cruz Pérez.

Authority addressed: Governor of the State of Nayarit.

Mr. Porfirio de la Cruz Pérez presented a complaint to the State Commission for Human Rights of Nayarit, relative to facts presumably in violation of his Human Rights, committed by elements of the State Judicial Police, harming his 14 year old son, José Raymundo de la Cruz Lemus, having stated that as several people were at the meeting of a general assembly of the "ejido" in Santa Cruz, Municipality of Acaponeta, Nayarit, 25 elements of the State Judicial Police arrived, and that upon seeing them, José Raymundo, among several others, started running, and that some of these persons started shooting. Several policemen followed the minor all the way out of town, shot him at the hip, picked him up and "kicked him and even mounted him" according to the statement of a witness who saw when he was beaten to death.

On the basis of the above, the State Commission for Human Rights of Nayarit, upon verification the violations of Human Rights of the minor, José Raymundo, his family and inhabitants of the community of Santa Cruz de Acaponeta, issued Recommendation 1/2001 addressed to the State Attorney General of Nayarit. The addressed authority accepted the Recommendation, but nevertheless did not send proof to the State Commission of having fulfilled it, hence its being considered as not carried out.

Mr. Porfirio de la Cruz Pérez, father of the deceased person, presented an appeal to the National Commission who then carried out the corresponding investigation and issued Recommendation number 19/2002 addressed to the Governor of the State of Nayarit, asking that full compliance be granted to Recommendation 1/2001, consisting in the payment of a compensation to the family by reason of damage and injury caused by the death of the minor José Raymundo de la Cruz, and that an impartial and objective administrative procedure of responsibility be carried out, against the General Visitor of the State's Attorney General's Office, and against the public servants who intervened in the integration of the administrative procedure, as they incurred in omissions and irregularities that caused the acts not to be punished; the General Coordinator of the State Judicial Police, for having authorized the operation, without having taken the necessary security measures; to the General Director of the State Judicial Police for not having given immediate notice to the Ministerial authority about the above mentioned facts; and to all those who knew, authorized, or participated in said operation and who have not yet been subjected, by reason of these facts; against those public servants who frightened or induced witnesses; against those experts who intervened in the elaboration of the expert studies, where deficiencies and omissions were detected, giving wider procedure to the Public Ministry, and if the case be, that the General Attorney be asked to not make public statements for as long as the corresponding investigations are being carried out, and that a permanent professional training be instituted for the personnel of the State of Nayarit's Attorney General's Office, who organize and carry out arrest operations.

DOMESTIC RELATIONS

Cycle of Conferences and Round Tables: Human Rights and Globalization

The First Round Table of this month took place on May 9, with the theme "The Right to Development", with the participation of Dr. Luis Armando Aguilar, Professor at the Institute of Superior Studies of the West (Instituto de Estudios Superiores de Occidente/ ITESO-Guadalajara). The Second Round Table met on May 16 and dealt with the theme of "Economic, Social and Cultural Rights", with the participation of Dr. José Luis Calva, Researcher at the Institute of Economic Investigations at the National Autonomous University (UNAM), Dr. Miguel Ángel Contreras Nieto, ex President of the State of México's Commission for Human Rights, and Professor Magdalena Zavala, Director of INBA's Casa Estudio Diego Rivera y Frida Kahlo Museum. The Third Round Table met on the 23rd of May, and dealt with the subject of "Environment and Human Rights", with the participation of Lic. Diana Ponce Nava, Assistant Attorney General of Natural Resources of the Federal Attorney's Office for the Protection of the Environment, and Dr. María del Carmen Carmona, Researcher at UNAM's Institute of Juridical Investigations. Finally, the Fourth Round Table on May 30, dealing with the subject of "Means of Communication and Globalization", and having as participants Dr. Ernesto Villanueva, Coordinator for the Ibero-

American Program of the Right to Information of the Universidad Iberoamericana, and Dr. Erik Esteban Castillo, Researcher-Consultant of Infored.

Remember the meetings take place, year round, every Thursday, in the Dr. Eduardo García Maynez Auditorium at UNAM's School of Law, Circuito Escolar, Ciudad Universitaria, México, D. F.

Training Courses

The National Commission for Human Rights, in strict compliance with the spirit promoted by the institution of the Ombudsman for the promotion of the study, teaching and diffusion of Human Rights, held during the month of May, 2002, 102 activities, among them 39 workshop-courses, 15 workshops, 25 conferences, 5 courses and one "Seminar on Civil Society and Vulnerable Groups", that took place in México City and was addressed to the general public.

Among the subjects of these activities are: "The Rights of Girls and Boys". "General Aspects of Human Rights and Vulnerable Groups", "Human Rights of Adolescent Boys and Girls", "Family Violence", "Human Rights Values in Education", "The Rights of Elderly Persons", "The Rights of Persons with HIV/AIDS", "Public Safety and Human Rights", "Religious Freedom and Human Rights", "Gender and Family", and finally, "Mediation for the Resolution of Conflicts", among others.

INTERNATIONAL RELATIONS

Participation of the CNDH in the Workshop Courses organized by the NGO's who take care of Mexican migrants in New York, USA

From May 22 to the 24h, an officer of the National Commission participated in the workshops on migrant Mexicans, organized by several NGOs in the New York City, USA.

On that occasion, the CNDH presented a lecture on "International Law and Human Rights" and among the assistants were México's Consul in New York, as well as personnel from the Department of Labor and Labor Issues, from New York's Attorney General's Office, who in turn talked about their activities in the promotion of respect for the rights of non-documented workers.

PUBLICATIONS

-Gaceta, Official publication of México's National Commission for Human Rights number 140 corresponding to the month of March.

-Los Derechos Humanos de las personas que viven con VIH/Sida en prisión (Human Rights of Persons living with HIV/Aids in Prison). CNDH, May 2002. Booklet.

-Derechos Humanos y VIH/Sida: una mirada internacional (Human Rights and HIV/Aids: An International Outlook). CNDH, México, May 2002. Booklet.

-Los Derechos Humanos reconocidos a nivel internacional de las personas de edad: el respeto universal a la madurez (Internationally Recognized Human Rights of Elderly Persons: The Universal Respect for Maturity). CNDH, México, May 2002. Booklet.

-Protocolo Facultativo de la Convención para la Eliminación de Todas las Formas de Discriminación contra la Mujer (Optional Protocol of the Convention in Favor of the Elimination of All Forms of Discrimination Against Women). CNDH, México, May 2002. Booklet.

-Intolerancia Religiosa (Religious Intolerance). CNDH, México, May 2002. Booklet.

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