

NEWS LETTER

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THE PRESIDENT OF THE MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS, DR. JOSÉ LUIS SOBERANES FERNÁNDEZ PRESENTED THE SPECIAL REPORT ABOUT THE HOMICIDES AND DISAPPEARANCES OF WOMEN IN CIUDAD JUÁREZ, CHIHUAHUA.

On November 24th, the President of the Mexican National Commission for Human Rights, Dr. José Luis Soberanes Fernández presented before the Senate of the Republic, the CNDH's Special Report on the homicides and disappearances of women in Ciudad Juárez, Chihuahua.

This report, result of 11 months of field work on behalf of 20 visitors, is a 1,572 page document which confirms and documents the 263 cases of murdered women and 4,587 reports on disappearances in Ciudad Juárez, Chihuahua.

The report presents, documents and shows, in the greatest possible detail, what many voices in society have denounced and felt intuitively for a long time: the intolerable burden of negligence, inattention, omissions and even discrimination and falsehoods, which have characterized the conduct of many agents with authority, responsible for the investigation and clearing up of the cases of murdered and disappeared women in Ciudad Juárez, as well as the omisive conducts of those in other levels of governments who were required to lend support and collaboration.

After investigating and analyzing the ministerial performances for the enlightenment of the homicides, the Mexican National Commission for Human Rights concludes that the local authorities – above all those in charge of finding the guilty parties and submitting them to legal action- have behaved, in the majority of the cases, without the due diligence, with such inexperience, negligence and slackness, that the mistakes and omissions which they have incurred can only be explained by their disregard of the rights of the victims and their relatives.

As part of the conclusions of this report, the Mexican National Commission for Human Rights expressly requests a detailed and careful outline of the legal

responsibilities, on behalf of the public servants assigned to the Justice Attorney General's Office of the State of Chihuahua, for the omissions in which they have incurred upon undertaking the investigations related to the homicides and disappearances of women in the municipality of Ciudad Juárez, as well as for falsehood of reports provided to this National Commission and transmitted to the general public. Also, it requests the outline of the responsibilities which the federal authorities may have incurred.

The negligence in the investigations clearly shows a constant disregard, only explicable because the victims, in their great majority, were highly vulnerable persons: poor women, students and working adolescents, working women of very modest conditions, in sum, persons without any power or voice in society.

Likewise, on November 25th, the President of the Mexican National Commission for Human Rights, present to the President of the Republic, Vicente Fox, the Special Report, and afterwards, on November 26th presented it in Ciudad Juárez, Chihuahua to the relatives of the victims and representatives from civilian groups, where he stated his commitment to impel the urgent reinstitution of the pertinent investigations, for the purpose of finding the responsible parties.

RECOMMENDATIONS

Recommendation 45/2003
November 11th, 2003

Case: Appeal presented by Mr. Antonio Vázquez Méndez
Authority Addressed: Constitutional Governor of the State of Chiapas

On April 15, 2003, this Mexican National Commission received the appeal interposed by Mr. Antonio Vázquez Méndez, against the inacceptance of Recommendation 071/2002, which the State Commission of Human Rights of Chiapas addressed to the Justice Attorney General of that federative entity, pointing out as damaging the negation of the responsible authority, with which impunity of criminal acts is propitiated, committed against the appellant, as well as Messrs. Mariano Vázquez Pérez and José Vázquez Méndez. In the document, the recommendation was made to the Justice Attorney General for the State of Chiapas that he issue his instructions to the Director of the State Agency of Investigations, so that he undertake the fulfillment of the arrest warrant issued by the Judge of the First Instance of the Criminal Branch of the Judicial District of San Cristóbal de Las Casas, Chiapas, so that the accused be placed at the disposal of the criminal court judge: also, that the State General Comptrollers Office be requested to initiate an administrative procedure against the regional commander and the group sub-chiefs of the State Investigations Agency, and the personnel under his command, commissioned at the time in the city of San Cristóbal de Las Casas, Chiapas, in order to determine administrative responsibility which they incurred due to their careless and negligent conduct and that the sanctions applicable to their case be imposed.

From an analysis of the evidence of this Recommendation, sufficient elements are found to be able to establish the legal provenance of the damage presented by the appellant, upon proof being established that the inacceptance of that which was recommended aids the continued vulneration of their Human Rights, due to the violation of legal acts, and the due procurements of justice of the appellants.

For this reason, on November 11th, 2003, this Mexican National Commission for Human Rights issued Recommendation 45/2003, addressed to the Constitutional Governor of the State of Chiapas, so that he may instruct the Justice Attorney General to proceed with the total fulfillment of Recommendation 071/2002, issued by the State Commission of Human Rights in Chiapas.

Recommendation 46/2003
November 18, 2003

Case: Appeal presented by Ms. Karla Espinoza Salinas
Authority Addressed: Town Council of Jiutepec, Morelos

On September 8th, 2003, this Mexican National Commission received the written appeal presented by Ms. Karla Espinoza Salinas, in which she stated her disagreement in relation to the inacceptance of the Recommendation issued by the State Commission for Human Rights of Morelos on July 17, 2003, addressed to the Municipal President (Mayor) of Jiutepec, in that federative entity, situation which in her judgment is serious, since it harms the affected persons who although they paid their water bills, have not been rendered this service.

From the documentaries which integrate the appeal, as well as from the information provided by the Municipal Presidency of Jiutepec, Morelos, to this Mexican National Commission for Human Rights, it is apparent that the person responsible for the Conservation of the Running Water and Drainage of that township, recognized that the placing of water outlets falls to the organism under his charge. He stated, however, that for the time being it is virtually impossible for that Directorship to provide the running water service required, since upon paying an unheralded visit to the domicile of the appellant, without specifying the date upon which it did so, they were made aware that the hydraulic web did not reach that property.

In this regard, it is important to point out that it falls to the municipality, or in its case, the Operative Direction responsible for the Running Water and Drainage Conservation System to handle reserve funds for the construction and enlargement of the services it renders, one of these being running water: also, in light of the lack of material, technical and human resources, the Municipal President can make agreements with the state authorities on the matter, or grant total or partial concessions to third parties.

Due to the afore-mentioned facts, we find that the Municipality of Jiutepec, Morelos is not adequately rendering the running water service which is entrusted to it, under terms 115, fraction III, insert a), of the Mexican Political Constitution, and 117, fraction I, of the Municipal Organic Law of the State of Morelos, and therefore on November 18th, 2003, this National Organism issued

Recommendation 46/2003, addressed to the Town Council of Jiutepec, Morelos, that it may give complete fulfillment to the Recommendation issued on July 17, 2003 by the State Commission for Human Rights of Morelos.

Recommendation 47/2003

November 19, 2003

Case: Impugnation in which the appellant was Mr. E.M.N.

Authority Addressed: Constitutional Governor of the State of Tlaxcala

On July 11th, 2003, the Mexican National Commission for Human Rights received, via fax, a letter from Mr. E.M.N. in which he presented an impugnation due to the resolution of the Justice Attorney General's Office of the State of Tlaxcala, not the accept part of Recommendation 05/2003 issued by the State Commission for Human Rights of said federative entity in regard to the administrative procedure against Attorney-at-Law Jacqueline Ordoñez Brasdefer, agent of the Department of the Public Prosecutor, upon considering that said determination violate his fundamental rights in virtue of the fact that the public servant issued a "summons" against him, exceeding her authority, since upon being "suspect" in the crime of rape the indication was that he be summoned, as is foreseen in chapter IX of the Criminal Procedures Code for the Free and Sovereign State of Tlaxcala.

From the analysis of the proofs which integrate said impugnation, it was determined that the Recommendation made by the State Commission to the Justice Attorney General's Office of the State of Tlaxcala was in accordance to the Law, all the while that the aforementioned summons was not appropriately based and motivated on reason, for in it the legal precept applicable to the case was not mentioned, nor the special circumstances, particular reasons or immediate causes which might have been considered for its issuance.

Based on the above, on November 19th, 2003, this Mexican National Commission issued Recommendation 47/2003 addressed to the Constitutional Governor of the State of Tlaxcala, so that he may proceed to order the Justice Attorney General to give fulfillment on its terms to Recommendation 05/2003 which the State Commission for Human Rights of Tlaxcala issued.

Recommendation 48/2003

November 28th, 2003

Case: Indigenous Tlapaneca woman from the community of Barranca de Tecuani, Ayutla de los Libres, Guerrero.

Authority addressed: Secretary of the National Defense and Constitutional Governor of the State of Guerrero

On April 1st, 2002, this Mexican National Commission for Human Rights received the written complaint of an indigenous tlapaneca woman, inhabitant of the community of Barranca de Tecuani, municipality of Ayutla de los Libres, Guerrero, which she presented before the Commission for the Defense of the Human Rights in Guerrero, on March 25th, 2002. In her complaint, the aggrieved – whose name is omitted for obvious reasons – expressed that on March 22nd, 2002, while accompanied by her four minor children, ages 9, 7, 5, and 3, respectively, 11 members of the Mexican Army showed up in her home, these persons asking her where she had stolen the meat which was laid out in her patio, questions to which she did not respond, in virtue of the fact that although she understands it, she does not speak the Spanish language. The aggrieved added that three of the soldiers from the Mexican Army then entered her house, bound her, threw her onto the floor where she was sexually abused, while the remaining soldiers stole the meat she was drying in the patio of her house, and which she obtained three days before, when her husband killed a cow, of his property, in order to feed his family. Also, the appellant added that on March 24th of that same year, she presented charges for rape, invasion of property, and abuse of authority, before the Public Prosecutor's Office of the judicial district of Allende, in Ayutla de los Libres, Guerrero, reason which gave rise to the prior investigation ALLE/SC/03/76/2002.

Once the file was analyzed, this National Organism determined that sufficient evidence existed to make the presumption of violations to the Human Rights of the plaintiff, all the while that in accordance with the documents produced and the diverse performances undertaken by the personnel assigned to the Mexican National Commission for Human Rights, it was noted that public servants from the Secretary of the National Defense, and from the Justice Attorney General's Office from the State of Guerrero, with the acts referred to in the present Recommendation, have violated the Human Rights of legality and legal safety of the aggrieved, by actions consistent in a delay in the procurement of justice and irregular integration of the prior investigation, since even though the prior investigation was initiated, the agent from the Public Prosecutor's Office, army office in charge of its integration, made diverse.

Due to the above consideration and taking into consideration the violations to the Human Rights of legality and legal safety, this Mexican National Commission for Human Rights makes Recommendation 48/2003.

To the Secretary of the National Defense, that he may issue instructions to the effect that:

- prior investigation 35ZM/06/202 be integrated and determined, according to Law, paying particular attention to the considerations presented in the Observations paragraph of the present document.

- the Inspections Body and the General Comptroller of the Mexican Army and Air Force, be informed, because of the afore-mentioned negation to provide in an opportune manner a copy of the ministerial documentaries requested by this Mexican National Commission for Human Rights.

- an administrative procedure of responsibilities be initiated in regard to the omissions which the agent of the Military Prosecutor's Office, in charge of the integration of the prior investigation 35ZM/06/2002.

To the Governor of the State of Guerrero so that he may issue his instructions to the effect that:

- an administrative procedure of responsibilities be initiated regarding the deficiencies and omissions incurred by the public servants assigned to the General Direction of Expert Services of the Justice Attorney General's from the State of Guerrero, in charge of the treatment and analysis of the samples taken from the aggrieved.

DOMESTIC RELATIONS

National Meeting between the CNDH, State Commissions and Non-Governmental Organizations "Towards a Permanent Dialogue"

On November 12th in Puerto Vallarta, Jalisco, the Mexican National Commission for Human Rights organized the "National Meeting between the CNDH, State Commissions and Non-Governmental Organizations towards a Permanent Dialogue", this act having been inaugurated by the President of the Republic, Vicente Fox.

During this National Meeting 650 ONG's participated together with the State Commissions of Human Rights and the same CNDH committed themselves to unite criteria and policies in order to face problems and find common solutions of protection and defense of the individual guarantees.

Amongst the principal matters analyzed during this meeting it is fitting to point out the access to international financing on behalf of the ONG's, of lack of fulfillment of the Recommendations which the public organisms issue, the coordination of actions in order to take care of vulnerable groups and the training of the Human Rights on behalf of members of the Police Corporation who undertake preventive tasks.

"General Assembly of the Mexican Federation of Public Human Rights Organisms"

On November 30th, in the city of Guanajuato, Guanajuato, the General Assembly of the Mexican Federation of Public Human Rights Organisms took place with the assistance of 32 heads of the Public Organisms of Defense and Promotion of the Human Rights of the country.

During the two days of meeting, in which amongst other things the recognition and attachment to the principles of democracy amongst the members of the federation were dealt with, the head of the Commissions coincided in pointing out that the public organisms defenders of the Human Rights of the entire country, must have constitutional autonomy as an additional step towards their full consolidation.

Likewise, the presidents of the Commissions and State Attorney Generals of Human Rights, manifested their interest in achieving that the Mexican Legal Order and international law relative to the fundamental guarantees, there exist complete harmony, and demanded the advancement in the ratification of the Statute of Rome which gives support to the International Legal Court.

In like manner, they expressed their preoccupation due to the lack of adequate conditions for the effective exercise of the Human Rights of the daily farm laborer of our country, specially the guarantees to the protection of health, to education, as well as the suspension of payment of employees fees for Social Security, reason for which they demanded that the competent authorities adhere to public policies which permit the enjoyment of the social rights of the workers.

It is important to point out the interest which the state ombudsman has in manifesting his unanimous support to the proposals of the Special Report presented by the Mexican National Commission for Human Rights in the cases of the murdered and missing women in the municipality of Juárez, Chihuahua at the same time demanding from the Mexican state the realization of sufficient investigative efforts which can guarantee the full application of the law and the enlightenment of the deeds occurred in Juárez, with the finality of the justice be made to the victims and relatives of women murdered and missing in the afore-mentioned border locality, the claims of society be satisfied, and that continued impunity be impeded.

Training courses

In attention to the activities of the Mexican National Commission for Human Rights of the promotion of a culture of Human Rights, the CNDH undertook during the month of November 122 activities, amongst them courses, workshops and conferences addressed to the personnel assigned to the systems of basic, medium and higher education, groups in vulnerable situations and social organizations.

FOREIGN RELATIONS

The CNDH participated in the celebration of the VIII Congress and Annual Assembly of the Iberoamerican Federation of Ombudsman (FIO)

From November 18th to 21st, 2003, the VIII Congress and Annual Assembly of the FIO, took place in the city of Panamá, Panamá.

On this occasion the subject of the Congress was dedicated to the Transparency and Democracy, the Challenges to Ensure the Protection of Migrants and the Situation of the Population and the Action of the State.

During the meeting of the General Assembly of the FIO, the reports of the President and of the Technical Secretary were presented, and welcome was given as member with full rights to the Autonomous Region of Asturias (Spain) and as an observer to the Municipal People's Defender of Villa María (Argentina). However, the subjects which drew the greatest attention were the elections of the Council Leader whom according to that established in the statutes of the same FIO is elected every two years.

On this occasion, taking into consideration that the Andean Region had not occupied the presidency of the FIO, there were two proposals for the post of President. On the one hand there was the postulation of the Attorney At Law Juan Antonio Tejada Espino, Defender of the People of Panamá, and on the other Dr. Germán Mundarain Defender of the People of Venezuela.

As a result of this process, the General Assembly designated Dr. Germán Mundarain Defender of the People of the Republic of Venezuela as President of the FIO for a period of two years.

As for the Vice-Presidencies they were established in the following manner: First Vice-President, Carlos J. López Nieves, Attorney General for the Citizen from Puerto Rico; Second Vice-President, Enrique Nascimento Rodríguez, Purveyor of Justice from Portugal; Third Vice-President, Manuel María Páez Monges, Defender of the People of Paraguay; Fourth Vice-President, Beatrice A de Carrillo, Attorney General for the Defense of Human Rights of El Salvador and, Fifth Vice-President, Sergio Segreste, President of the Human Rights Commission of Oaxaca, México.

Lastly, and having been offered by the Defender of the People of Ecuador Mr. Claudio Mueckay, the next meeting of the FIO was tentatively programmed in the city of Quito, Ecuador.

PUBLICATIONS

Gaceta, official publication of the Mexican National Commission of Human Rights, numbers 158 and 159 corresponding to the months of September and October 2003, respectively.

Human Rights as seen by the Oaxaqueños Painters , México, CNDH, November 2003.

Basic Manual for Municipal Authorities, México, November, 2003

Normativity of the CNDH: Constitutional Decree, Law. Internal Ruling, Ruling of Transparency and Access to Information and Statute of Career Civil Servant, México, CNDH, November, 2003

Present Panorama of the Human Rights of Persons with Disabilities " The situation of México in the face of international commitments" México, CNDH, November, 2003

Human Rights and Indigenous Rights in the Mexican Federal Legal Order, México, CNDH, November, 2003

Legal Framework of the Public Organism of Protection and Defense of the Human Rights in the Federative Entities, México, CNDH, November, 2003

Affirming the person in her own rights. Dignity as a basis for the rights of the person. México, CNDH, November, 2003

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