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COOPERATION AGREEMENT BETWEEN THE MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS AND THE NATIONAL INSTITUTE FOR THE ELDERLY (INAPAM)

The Mexican National Commission for Human Rights and the National Institute for the Elderly (INAPAM) underwrote a general collaboration agreement by which the National Program of Promotion and Diffusion of the Elderly, was put in motion, and amongst its purposes emphasizes that persons belonging to this group undertake actions directed to the transmission of values between children and juvenile offenders in the process of rehabilitation.

The CNDH and the INAPAM will keep a careful watch on the development of the program, whose main objective is to generate a culture of knowledge and recognition of the fundamental rights of the elderly, as well as disclosing institutions in charge of preserving those rights and encouraging their active participation, and their responsibility for the future promoters of their rights.

Concerning the National Program of Promotion and Diffusion of the Human Rights and Transmission of Values of the Elderly to Minors and Juvenile Offenders who Receives Treatment While Being Interned, it may be considered that the experience of the elderly makes them as the first potential promoters of the respect to the human being and to human dignity, and of the values inherent in a better social cohabitation.

Upon promoting the respect and the dignity of human beings, the teaching of their fundamental rights, the cohabitation based on values such as solidarity and ethical responsibility, a contribution is made for the consolidation of the democratic, social and lawful State in our country.

RECOMMENDATIONS

Recommendation 1/2004
January 9 th , 2004

Case: Derived from the appeal presented by Mrs. Verónica Gabriela Bonilla Núñez and others.
Authority addressed: Constitutional Governor of the State of Tlaxcala

On August 4 th , 2003, the Mexican National Commission for Human Rights received the documents of Verónica Gabriela Bonilla Núñez, Guillermo Brito González and Víctor Mauro Chacón Cruz in which they presented an appeal against the ruling of the General Attorney's Office of the State of Tlaxcala to not accept part of recommendation 04/2003, issued by the State Commission of Human Rights of said federative entity particularly in regard to the administrative procedure against the agent of the Public Defender, upon considering that said public servant issued a summons against them without carrying out the previous citation, which set the guideline for the privation of the possibility of voluntarily appearing, and for members of the Judicial State Police acting against their personal integrity.

Once the documents integrating the present appeal were analyzed, it was determined that the recommendation made by the State Commission of the Justice Attorney General Office of the State of Tlaxcala, was made in accordance to Law, since it was accredited that the violation of the human rights in regard to legality, and of the legal safety of receiving dignified treatment, and the physical, psychological and moral integrity, was detrimental to the appellants.

Based on the above, on January 9th, 2004, this Mexican National Commission for Human Rights issued Recommendation 1/2004, addressed to the Constitutional Governor of the State of Tlaxcala, in which the following was recommended:

- Observance be given, on its terms, to Recommendation 04/2003 which the State Commission for Human Rights of Tlaxcala issued and,
- The pertinent investigation to the omissions incurred by the afore-mentioned agent of the Public Defender's Office be initiated and determined.

Recommendation 2/2004
January 15th, 2004

Case: Mr. Fernando Javier Huicab González
Authority addressed: Secretary of the Environment and Natural Resources

On November 7th, 2002, this Mexican National Commission for Human Rights, received the written complaint of Mr. Fernando Javier Huicab González, in which he stated that on July 16th, 1996 Messrs. Elías Melkin Macossal and Gregorio Piedra Castro, inspectors assigned to the Federal Attorney's Office for the Protection of the Environment in the state of Campeche undertook an inspection of two boats belonging to him which were in possession of Messrs. Felicito Ayala Vázquez and Víctor E. Bass Solís; resulting from said inspection two verification acts of fishing products in which they established the omissions in which they incurred and which constituted infractions to the Fishing Law and its Regulation, securing the afore-mentioned boats.

Due to the above, the then head of the afore-mentioned Office, initiated an administrative procedure which were resolved on April 20th and May 17th, 2001, respectively, in the sense that the security measure consisting in the precautionary seizure of the boats mentioned above and that the original property be returned; however, said possessions were not returned to their owner since they were removed from the place in which they were being held.

In view of the afore-mentioned facts and upon violations to the human rights of the plaintiff being accredited, a proposal of conciliation was addressed to the Federal Attorney's Office for the Protection of the Environment, which was accepted; however, only half was carried out since the administrative procedure of investigation requested was initiated, the payment of the boats being postponed, as is demonstrated in the second point of said conciliation reason for which the plaintiff requested the re-opening of the file.

Therefore, this National Commission agreed to re-open file 2002/2933, and requested the corresponding report from the Federal Attorney's Office for the Protection of the Environment which was opportunely granted.

From an analysis of the documents which integrate file 2002/2933 this Mexican National Commission for Human Rights, reached the conclusion that the public servants of the Federal Attorney's Office for the Protection of the Environment and Natural Resources incurred in omissions. Therefore, on January 15th, 2004, this National Commission issued Recommendation 2/2004, addressed to the Secretary of Environment and Natural Resources, in which the following was recommended:

- Reparation of damages be made to the plaintiff derived from the impossibility of returning the boats which were held, or, that other boats be given to him with particulars similar to those mentioned in the present Recommendation.
- Accounts be render to this Mexican National Commission for Human Rights on the performances practiced since the beginning of its intervention up till the conclusion of the same and,
- The corresponding administrative procedure be initiated against the then public officers of the Federal Attorney's Office for the Protection of the Environment who failed to undertake the necessary actions in order to opportunely compensate the aggrieved for the damages and prejudice suffered in his patrimony, informing this Mexican National Commission for Human Rights of the resolution falling to said procedure.

Recommendation 3/2004
January 15th, 2004

Case: Appeal presented by Mr. Juan Petriccioli Hernández
Authority addressed: Constitutional Town Council of Apizaco, Tlaxcala

On April 29 th , this Mexican National Commission for Human Rights received file 2003/162-2-I, referring to the appeal placed by Mr. Juan Petriccioli Hernández, due to the in-acceptance of Recommendation 01/2003 which the State Commission for Human Rights of Tlaxcala sent on January 23, 2003 to the Municipal President of Apizaco, Tlaxcala, derived from file CEDHT/286/2002-3.

From an analysis of the documentation which integrates said file, the implication is that on September 29 th , 2002, Mr. Juan Petriccioli Hernández was travelling aboard his vehicle, accompanied by other persons, and that upon reaching his home he was intercepted by diverse persons belonging to the Police, assigned to the Direction of Public Safety, Traffic and Transportation from the Town of Apizaco, Tlaxcala, who hit him on various parts of his body, reason by which his physical integrity was affected; they then took him to the offices of the Municipal Headquarters of Apizaco, where they continued their physical aggression and insults, after which they sent him back to the local offices of the Attorney General in Tlaxcala, where the quantity of seven grams of marihuana or "Cannabis" was removed; in spite of this, he was set free, all the while that said quantity did not exceed his personal use.

On this regard, this Mexican National Commission for Human Rights undertook several investigations, which led to the conclusion that the right to legality, physical integrity and legal safety of the plaintiff was violated, as was the right to the presumption of innocence by several persons from the Direction of Public Safety, Traffic and Transportation of Apizaco, Tlaxcala, who intervened in the deeds, upon physically attacking the plaintiff.

Therefore, this Mexican National Commission for Human Rights shares the criteria of the State Commission, upon stating that the Human Rights of Mr. Juan Petriccioli Hernández were violated, and as a result, the latter issued Recommendation 01/2003; however, the afore-mentioned authorities, upon failing to initiate the actions suggested by the State Commission, will lead this Mexican National Commission to assume, on one hand, the lack of will to undertake actions against impunity, and on the other, tolerance for actions contrary to law.

Due to this facts, on January 15 th , 2004, this Mexican National Commission for Human Rights issued Recommendation 3/2004, which was addressed to the Constitutional Town Council of Apizaco, Tlaxcala, ratifying on its terms, Recommendation 01/2003, requesting only that they comply with Recommendation 01/2003, issued by the State Commission for Human Rights of Tlaxcala.

Recommendation 4/2004
January 21 st , 2004

Case: Ms. Claudia Yasmin Burgara Alarcón
Authority Addressed: General Director of the Institute of Safety and Social Services of State Workers

On August 26 th , 2003, this Mexican National Commission for Human Rights received the complaint presented by Ms. Claudia Yasmin Burgara Alarcón, by means of an appearance before the Commission for the Defense of the Human Rights of the State of Nayarit, in which she denounced deeds presumably in violation of the right to life and the protection of his health, of her deceased son, by public servants from General Hospital "Doctor Aquiles Calles Ramírez" from the Institute of Safety and Social Services of the State Workers (ISSSTE) in Tepic, Nayarit, consisting of actions of medical negligence and unwarranted exercise of public function.

The plaintiff pointed out that on August 10 th , 2003, at approximately 3:00 A.M. "her water broke", and therefore, her husband took her to General Hospital "Doctor Aquiles Calles Ramírez", where she was given a saline solution in order to induce birth; however, as the gynecologist who was supposed to take care of her was in the operating room, the saline solution was removed and she was given another solution as to control her blood pressure. In the end, she was attended to by a student intern, and her baby was born. She was then informed by the pediatrician that in spite of having done everything within his means, the child was dead, and he gave various explanations on the death of the minor.

From an analysis undertaken of the documentation and evidence of the present case by the CNDH, it became aware of inadequate medical was paid to the aggrieved persons, which constitutes professional and administrative responsibility on behalf of the public servants assigned to the Gyno-Obstetrical Service of General Hospital "Doctor Aquiles Calles Ramírez" belonging to the ISSSTE in Tepic, Nayarit, since they acted wrongly and did not provide the aggrieved person the adequate evaluation, medical vigilance, opportune, professional and quality, as was their obligation, and therefore, due to the conduct displayed, transgressed the rights to life and health protection.

The institutional responsibility of the ISSSTE was also accredited, since amongst its purposes, is the administration of social security, the guaranty of the right to health protection of its members and their beneficiaries, through medical assistance, function which it did not fulfill in the rendering of the medical service rendered Ms. Claudia Yasmin Burgara Alarcón, as well as the lack of coverage by proper medical personnel in the Gyno-Obstetrical Service, since she was seen to by student interns, without the supervision and vigilance of the medical specialist in charge of this service.

Consequently, this National Organization issued Recommendation 4/2004 addressed to the General Director of the Institute of the Security and Social Services of the State Workers, in which it recommended the following:

- An administrative procedure of investigation be initiated, according to Law, against the medical personnel assigned to the Gynecological Obstetrical Service of General Hospital "Doctor Aquiles Calles Ramirez" of the ISSSTE who participated in the deeds and,
- The proper indemnity payment be made, according to Law, to the relatives of the minor wronged.

Recommendation 5/2004
January 30 th , 2004

Case: Appeal of Mr. Heriberto Sagredo Mújica
Authority Addressed: Constitutional Governor of the State of Morelos

On April 19 th , 2001, the State Commission for Human Rights of Morelos agreed upon the initiation of file 95/2001-V.R.O. in attention to the written complaint presented by Mr. Heriberto Sagredo Mújica, in which he stated that the agent from the Public Defender's Office responsible for the integration of the prior investigation CT/2ª./1159/96-04 decided upon the non-exercise of criminal action and did not notify him through an official notice, besides having delayed the integration of the investigation CT/2ª./2086/00-08 and 31/1701/00-05, causing delay in the procurement of justice.

On December 13 th , 2001, the local Organism, prior integration of the file, issued a Recommendation addressed to the Justice Attorney General of the State of Morelos, having found basis for the complaint made by Mr. Heriberto Sagredo Mújica, relative to the acts attributed to the agent from the Public Defender's Office responsible for the integration of the previous investigations CT/2a/1154/96-04 and CT/2a/2086/00-08; this document having been accepted by that authority on the 3 rd of January, 2002, without having sent proof of its fulfillment to the State Commission, which is why on June 30 th , 2003 the plaintiff presented an appeal indicating as grievance the lack of execution of the Recommendation, which began the opening of file 2003/278-1-I in this National Commission.

From an analysis of the evidence which integrate the appeal, this National Organism shares the considerations issued by the State Commission for Human Rights of Morelos, upon becoming aware that the agent from the Public Defender's Office assigned to the Table Lowering Postponement of the Eastern Zone, in Cuatla, Morelos, failed to notify Mr. Heriberto Sagredo Mújica, of the decision which it stated in the prior investigation CT/2ª./1159/96-04, this conduct violating the human right to legality and of the person complaining, consecrated in articles 14, 16 and 21 of the Mexican Constitution.

In attention to the previous consideration, this Mexican National Commission for Human Rights coincides with the reasoning and legal bases which served as a foundation for the local Commission to issue on December 13 th , 2001 the Recommendation addressed to the Attorney General for the State of Morelos.

Consequently, on January 30 th , 2004, this National Organism issued Recommendation 5/2004 addressed to the Governor of the State of Morelos, that he may order the Justice Attorney General in that entity, under the terms of observations, to execute the recommended points which as yet have not been seen to, of the Recommendation issued on December 13 th , 2001 by the State Commission for Human Rights of Morelos.

DOMESTIC RELATIONS

The CNDH facing the revision procedures in the Mexico City Airport.

In view of the general ill feeling of those persons travelling to the United States of America, and who encounter delays and cancellations of flights due to the prolonged revision procedures to which they are submitted, the Mexican National Commission for Human Rights initiated an official complaint by which it will request information on the legal foundations of said measures and operative plans, resulting from them, of the corresponding authorities among these the Ministry of Foreign Relations, of the Interior, of Public Safety, and Communications and Transportation, as well as the Nation's Attorney General's Office.

For the correct integration of the complaint, the CNDH decided upon sending adjunct visitors to the different rooms and revision sites in the International Airport of Mexico City, where there have been many instances of bad treatment to persons submitted to personal revision and of their belongings. It also requests that in the air terminal there be sufficient personnel so as to avoid the prolonged waiting and revision periods.

The CNDH has repeatedly manifested its total disagreement with any revision procedure which may result humiliating and contrary to the dignity of the persons, and that it be permitted or unduly undertaken by national authorities.

In article 16 of the Mexican Constitution, it is established that "no-one may be molested on his person, family, domicile, papers or possessions, except by virtue of a written ruling from the competent authority, which establishes and gives a reason for the legal cause of the procedure".

The National Ombudsman, Dr. José Luis Soberanes Fernández, decided that the United States authorities are within their rights in the application of the safety and requirement measures they may wish, in order to permit, or not, the entrance of foreigners to its territory, and to regulate the risks to their internal security, however, said measures do not apply on Mexican national territory.

Training Courses

The Mexican National Commission for Human Rights offered training to almost 60 thousand persons - amongst them, minors, parents, students, elderly, public servants, and civilian defenders - during the 2003 exercise, with more than 500 activities, among them courses, workshops, preliminary courses, conferences, roundtables, forums and seminars, undertaken in the country.

Through the Technical Secretary of the Consultative Council of the Mexican National Commission for Human Rights, an area dedicated to the giving of training courses, activities directed to the promotion and disclosure of the Human Rights in the educational environment, as well as to groups in vulnerable situations, personnel dedicated to public safety, procurement of justice, health and penitentiary, besides forming promoters in this field.

Last year training courses were given directed to students of basic, middle and higher education on the rights of boys and girls, of persons with a physical impediment, and of women.

By means of conferences, courses, workshops and roundtables, information was provided to elderly, parents, young people and members of non-governmental organizations, on the rights of the woman, the elderly, family violence, public safety and the rights of the young people.

Training was also offered to the public servants of the Armed Forces, to whom courses were given related to the individual guarantees and complaint procedure, basic aspects of the Human Rights, guarantees and Mexican Legal System, and about the national and international Human Rights Systems.

Also were given courses, workshops, and conferences to police men and women, instructors of police formation and personnel of the Federal Preventive Police, concerning Human Rights, and regarding legality, as well as attributions of the CNDH and national and international normativity.

Members from the Federal Investigations Agency, agents from the Public Defender's Office, experts and administrative personnel from the Nation's Attorney General's Office were trained in courses and workshops given by personnel from the CNDH, on the Mexican system of protection of the Human Rights.

Technical, administrative and legal personnel from the Federal Center for Social Re-adaptation number 4 and different prison centers, received courses on the basic aspects of the Human Rights.

Also, the CNDH trained physicians, paramedics, nursing and administrative personnel from the Mexican Social Security Institute and public servants from different public institutions who attended training courses on Human Rights, and vulnerable groups were given training on the basic aspects of the Human Rights.

In like manner, courses, workshops, conferences, and round tables were undertaken on discrimination, creation of promoters, and the rights of children, as well as holding meetings with state commissions and civilian organizations of human rights.

Several forums, work meetings, congresses and seminars were held for persons belonging to civilian organizations in the entire country, in which, additionally, an agenda was integrated on subjects of Human Rights containing more than 200 proposals analyzed and condensed by NGO, with which 32 collaboration agreements were signed, for the purpose of promoting, transmitting and training on human rights subjects.

The printed promotion was an important part in the activity of this National Organism, as part of the promotion of the Human Rights, which is why 67 thousand 406 publications were printed: 11 thousand 852 books, 2,750 Carta de Novedades, 2,750 Newsletters, 34 thousand 194 triptychs, 910 posters and 760 brochures, amongst others.

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