

# NEWS LETTER

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## CONTENTS

- **FOURTH GENERAL ASSEMBLY OF THE NETWORK OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS OF THE AMERICAS AND THE 61 ST PERIOD OF SESSION OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION**
- **RECOMENDATIONS**  
8/2005
- **NATIONAL AFFAIRS**  
The President of the CNDH reiterated the position of this organism, entreating authorities of the United States of America to discontinue all activities related to the so-called Project Minuteman
- **INTERNATIONAL ISSUES**  
Meeting of the Special Fund for Ombudsman and National Institutions of Human Rights in Latin America and the Caribbean  
Training Courses
- **PUBLICATIONS**

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### FOURTH GENERAL ASSEMBLY OF THE NETWORK OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS OF THE AMERICAS AND THE 61st PERIOD OF SESSIONS OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION.

#### Fourth General Assembly of the Network

In response to decisions taken by members of the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas, during the International Coordination Committee held in April, 2004, the Mexican National Commission of Human Rights (CNDH), in its function as General Secretary of the Network, convoked the Fourth General Assembly that was carried out on April 12, 2005, within the work scheme of the 61st period of sessions of the Human Rights Commission of the UN, in the city of Geneva, Switzerland.

During this meeting, held at the Palais Wilson, Doctor José Luis Soberanes Fernández, President of the Mexican National Commission of Human Rights, acting as Secretary General of the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas, chaired this Fourth General Assembly.

This event was privileged to feature the presence of ten heads of the Continent's National Institutions, ( Argentina, Bolivia, Canada, Colombia, Guatemala, Honduras, Mexico, Paraguay, Peru and Venezuela ). Some of these individuals were accompanied by officials from their own institutions, who participated in the review of work agenda items that were previously agreed upon and they established commitments for the purpose of strengthening the existing National Institutions in order to contribute to the creation of institutions in places where they do not yet exist.

In addition, on this occasion, the officials in attendance reached cooperation agreements that paved the road for the definition of future activities of this regional mechanism. It is important to acknowledge the valuable support provided by the Office of the United Nations High Commissioner for Human Rights, which ultimately contributed to the success of this meeting.

Currently, the Network is comprised of 13 National Institutions of Human Rights that were established in compliance with the Paris Principles and the members of this Network enjoy and are entitled to full rights.

Among the objectives extensively discussed and attained by the Network during this Fourth Assembly, we should point out the following:

- To establish, maintain and promote a culture focused on respect for Human Rights in the region.
- To strengthen the regional government's acknowledgment and application of international rules and commitments in terms of Human Rights.

- To contribute to the democratic development of the region's countries, while helping to consolidate State policies regarding Human Rights.
- To work together in order to strengthen, both individually and collectively, all National Institutions of the American Continent that were established in compliance with the Paris Principles and,
- To support the development of budding National Institutions in other countries of the region.

The meeting minutes may be consulted on the National Institutions website: [www.nhri.net](http://www.nhri.net)

61st period of sessions of the United Nation's Human Rights Commission and Sixteenth Meeting of the International Committee of National Institutions for the Promotion and Protection of Human Rights of the Americas.

On April 13, 2005, the United Nation's Human Rights Commission held its Assembly at the Palais des Nations , in Geneva, Switzerland, where the National Institutions that are focused on the Promotion and the Protection of Human Rights throughout the world, participated presenting a paper with a real-time duration of seven minutes.

At this time, Dr. José Luis Soberanes Fernández, President of the Mexican National Commission of Human Rights, submitted a report regarding the main achievements, activities and challenges faced by the CNDH throughout the past year. In addition, as Secretary General of the Network and representative of all members of the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas , he also submitted a regional report which included a description of the main activities of this network.

The tasks corresponding to the Sixteenth Meeting of the International Coordination Committee (ICC) took place on April 14 and 15. The ICC is a group that was created in order to unite all Human Rights National Institutions around the world. It currently has almost 70 National Institutions of Human Rights as its members.

During this meeting, Dr. José Luis Soberanes Fernández, who holds the position of Vice-President of the ICC, chaired the work meetings along with Mrs. Louise Arbour, United Nations, High Commissioner of Human Rights, and the President of the ICC, Mr. Morten Kjaerum, Director of the Danish Center for Human Rights. In addition, as Secretary General of the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas , he presented a report regarding the Network's activities during the course of this past year.

During this meeting, several topics were discussed, the most outstanding of which were the following:

- The strengthening and establishment of National Institutions in countries in which their presence is not yet available.
- The promotion of cooperation at an international, regional and bilateral level.
- The creation of permanent regional cooperation mechanisms through which periodic meetings will be held. This type of cooperation and exchange of information has proved to be less costly than international meetings.
- The importance of endeavoring to make National Institutions more independent and autonomous, lending them the authority to protect individuals from excesses and abuses of power by governments or bureaucracy.
- The attainment of individual status for the National Institutions so that they are able to possess advisory powers within the system of the United Nations and thus be allowed to participate individually in all meetings of the United Nations involving the topic of Human Rights.
- The promotion of the ratification of international Instruments regarding Human Rights.
- Strengthening relations and coordinating activities focused on the protection and defense of Human Rights with the NGOs, whose objectives are similar to those of the National Institutions.

In addition, as a part of the activities of the ICC, a panel was summoned in order to discuss the topic of Migration. The panel featured prestigious participants who represented the National Institutions, such as Dr. Volmar Pérez Ortiz, Defender of the People of Colombia representing of the Network of the Americas . The event was chaired, among others important figures, by Ambassador Salvador Campos Icardo, Secretary Executive of the Mexican National Commission of Human Rights, representing Dr. José Luis Soberanes Fernández, Secretary General of the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas.

It should be noted that, on April 15, 2005, National Institutions members of the Network, whose Secretary General is in charge of the Mexican National Commission of Human Rights, held a work meeting with Mrs. Louise Arbour, United Nations High Commissioner for Human Rights, in order to discuss, among other topics, the following:

- The importance of receiving the support of the Office of the United Nations High Commissioner for Human Rights in order to promote the optimum performance as well as the expansion of the Network.
- A request for effective support in the creation of National Institutions in countries that are still lacking this mechanism: Brazil , Chile , the Dominican Republic and Uruguay.
- An explanation in regards to other Human Rights national mechanisms in the region: the Iberoamerican Federation of Ombudsman (FIO), and the Special Fund for Ombudsman and National Institutions of Human Rights for Latin America and the Caribbean.

## RECOMENDATIONS

Recommendation 8/2005

April 29, 2005

Case: Inhabitants of Santiago Xanica in the State of Oaxaca

Responsible Authority: The Constitutional Governor of the State of Oaxaca .

On January 6, 2005, Abraham Ramírez Vázquez, a member of the Committee for the Defense of Indigenous Human Rights in Santiago Xanica, filed a complaint in this National Commission for alleged Human Rights violations against the inhabitants of the community of Santiago Xanica in the State of Oaxaca, related to the presence of members of the Mexican Army and of the department of Public Security of the State in said town, claiming that their presence was causing anxiety among the townspeople. The same events were reported by Mr. Gilberto Canceco Carmona, member of Indigenous Organizations for Human Rights in Oaxaca , in a written statement issued on the 8th day of the previously mentioned day and year.

On January 27, 2005, Mrs. Cristina Hardaga, who works in the Denunciations Division of the Mexican Commission for the Defense and Promotion of Human Rights, A. C., pointed out that, on the 15 th day of the previously mentioned month and year, two patrol cars of the Preventive Police of the State of Oaxaca opened fire against a group of 80 indigenous people of the community of Santiago Xanica, Oaxaca, seriously wounding Abraham Ramírez Vázquez, Juventino and Noel García Cruz, who were arrested, accused of having ambushed members of said police agency and of causing the death of one of them.

Members of the Anti-neo-liberal Popular Magonista Oaxacan Coordination Agency denounced the selfsame events, in addition to the fact that the aforementioned individuals were not informed of the reason for their arrest, and that they were denied the right to benefit from the services of a translator, in spite of being Zapotec people. In addition to all this, they indicated that on January 19 of the current year, Pedro Luis León Galindo was arrested by members of the Ministerial Police of the State, charged with a crime he did not commit. They hold the State Government responsible for these events.

On several occasions, this National Commission received documents signed by members of the Anti-neo-liberal Popular Magonista Oaxacan Coordination Agency and by the Mexico in Austria Platform, through which they denounced alleged violations of Human Rights that occurred on February 3, 2005, causing injury to the following individuals: Alejandro Cruz López, Carlos Cruz Mozo, Samuel Hernández Morales, Gilberto Canceco Carmona and Jaquelina López Almazán, as a result of the arbitrary detention and illegal detainment they were subjected to by members of the Ministerial Police of the Office of the General Attorney of the State of Oaxaca.

On March 9, 2005, this National Commission enforced its power of attraction, considering the fact that the events transcended the faculties of the federative entity and also involved the national public opinion.

The logical-legal analysis of the records that comprise file 2005/170/OAX/4/SQ, reveal that public officers belonging to the Office of the General Attorney of the State of Oaxaca breached the Human Rights of lawfulness and legal security of Mrs. Jaquelina López Almazán and Mr. Samuel Hernández Morales, as a result of trespassing the premises of their organization without a search warrant, and of Mr. Carlos Cruz Mozo and Mr. Gilberto Canceco Carmona, who were held against their will in facilities of the Office of the State's General Attorney.

Considering all of the above, on April 29, 2005, this National Commission of Human Rights issued Recommendation 8/2005, addressed to the Constitutional Governor of the State of Oaxaca, instructing that he draft orders to initiate the corresponding administrative process and preliminary investigation against agents of the Ministerial Police who entered, without a search warrant, the

premises of the Anti-neo-liberal Popular Magonista Oaxacan Coordination Agency, and who illegally detained Mr. Carlos Cruz Mozo and Gilberto Cancero Carmona. In addition, he was instructed to remind agents of the Ministerial Police of their obligation to show respect for Human Rights and to ensure that they undergo training regarding this matter.

## NATIONAL RELATIONS

The President of the CNDH reiterated the position of this organism, entreating authorities of the United States of America to discontinue all activities related to the so-called Project Minuteman.

National Ombudsman José Luis Soberanes Fernández, reiterated his request to the federal government, urging it to immediately carry out all negotiations necessary before the appropriate and relevant agencies of the United States to discontinue Project Minuteman, a program that represents new and increased risks -including the loss of life- of undocumented migrants, in addition to the fact that, due to the nature of the objectives of said project, it lies beyond the control of the North American laws and opposes all that which has been stipulated as lawful by several international legal mechanisms.

He further added that before we grieve over the injury or even death of a Mexican at the hands of this group, this National Commission considers the diplomatic intervention of the Mexican government as a pressing matter. The government should negotiate with federal authorities of the United States of America in order to attain the elimination of all activities related to Project Minuteman, as well as those carried out by other civil organizations whose objectives are similar, considering that they oppose the principles of an authentic Democratic State of Law, and because its members, in claiming certain rights as their own, are seeking to conceal, deep down, a number of xenophobic and racist attitudes through which they intend to "justify" the violation of Human Rights of other people"

Dr. Soberanes Fernández revealed that Project Minuteman has been the subject of admonitions from Mexican authorities and citizens, as well as of Non-Government Organizations, both national as well as international, as it symbolizes a spirit of intolerance, barbarism and savagery, in addition to the fact that it contradicts the human and solidary spirit which must prevail in the relationship between Mexico and the United States.

He also stated that, according to the Universal Declaration of Human Rights of 1948, people are entitled to receive protection from international law, and that there are no borders when it comes to respect for Human Rights. "All people -he emphasized- possess inalienable rights that must be respected without exception, notwithstanding the migratory status of the individual in question."

The President of the CNDH pointed out that Minuteman embodies a negative message that pollutes all possibility of a migratory agreement that might harmonize the American need for a workforce and the need for employment of our countrymen, until orderly, legal and secure migratory conditions are achieved.

He indicated that this situation has motivated the unity of several Mexican sectors who demand that the authorities stop waiting for victims to arise in order to take proactive measures. "It is impossible to be resigned to a mere reaction when we are under the obligation to take immediate action", he emphatically declared.

Finally, the National Ombudsman explained that the participation of so-called minutemen is of a highly secretive nature, since they are armed civilians who face or will face unarmed individuals who have no violent intentions: these are migrants who want to work, and who work efficiently when allowed to: their only goal is not to undermine the security of a country, but to reach for new horizons, to aspire to a better future, higher expectations and an improved quality of life.

## Training Courses

The Mexican National Commission of Human Rights, adhering to the spirit promoted by the Institution created to promote the research, education, and dissemination of Human Rights, held during the month of April, 2005, fifty-five training activities aimed at basic, intermediate and advanced-level students, groups in vulnerable situations, including individuals belonging to groups such as the elderly, youths, as well as public officers belonging to the armed forces, public security, the procurement of justice, personnel working in penitentiaries, and personnel working in public health institutions, among others.

## INTERNATIONAL ISSUES

## Meeting of the Special Fund for Ombudsman and National Institutions of Human Rights in Latin America and the Caribbean

The meeting of the Special Fund for Ombudsman and National Institutions of Human Rights in Latin America and the Caribbean was held on April 15, at the Palais Wilson , in the city of Geneva , Switzerland . The Fund is a mechanism created in order to support the region's Ombudsman through an exchange of skills and financial resources among the Ombudsman and National Institutions of Latin America, the Caribbean and Europe.

Representing Dr. José Luis Soberanes Fernández, Secretary General of the Network and all its members, was Ambassador Salvador Campos Icardo, Secretary Executive who participated on behalf of the Network in the tasks associated with this meeting.

Among the outstanding topics discussed during this meeting there was a dialogue and approval of the Fund's future projects and the financial situation currently held by the Fund.

## PUBLICATIONS

- General Recommendation number 5. Regarding the case of discrimination in schools due to religious beliefs (2nd reprint), CNDH, Mexico , April , 2005.
- Main Rights and Duties of the Police (2 nd Edition) (booklet).
- Political Philosophy and Human Rights in Contemporary Mexico , CNDH, Mexico , April, 2005.
- Basic Terms Regarding Indigenous Rights. CNDH, Mexico , April, 2005.
- General Recommendation number 8. Regarding the issue of discrimination in schools towards HIV-positive or AIDS afflicted minors. CNDH, Mexico , April, 2005.
- General Recommendation number 9. Regarding the Human Rights situation of inmates who suffer from mental disorders and are confined in prisons throughout the Mexican Republic , CNDH, Mexico , April, 2005.

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