

NEWS LETTER

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REPORT ON ACTIVITIES OF THE CNDH IN 2005.

The National Ombudsman, José Luis Soberanes Fernández presented President Vicente Fox Quesada with the Report of Activities of the CNDH in 2005 on February 22, 2006, as established in Section B Article 102 in the Political Constitution of the United Mexican States.

The report by the head of the CNDH stated that the era of governmental censure had finished. "Today – he said- no reporter is silenced, no citizen lowers his eyes in the presence of authority, no injustice is suffered in silence".

The act, effectuated in the "Adolfo López Mateos" hall of the official presidential residence, Los Pinos, was attended by federal functionaries, presidents of State Human Rights Commissions, and representatives of non-governmental organizations.

After acknowledging that the political culture, the civic force and knowledge of human rights are superior now than six years ago, the head of the CNDH recognized the head of the executive federal branch's contribution to a Mexico without muzzles, more honest, and more just. During the present six year presidential term "We, the Mexican people, have grown accustomed to criticizing power, to regarding our governors as equals, to defending our liberties and our rights", stated the National Ombudsman.

The annual report by the CNDH indicates that the principal violations of human rights stemmed from the inappropriate exercise of public office, the inappropriate fulfillment of public service, the negation of the right to petition, the refusal or inadequate service in public health, and the violation of migrant rights. He specified that the authorities most outstanding in this sense were those of the Mexican Institute of Social Security, and the General Attorney of the Republic's Office, the administrative organ of the decentralized office of Prevention and Social Readaptation in the Ministry of Public Security, and the National Migration Institute of the Government Ministry.

Over the course of 2005 the CNDH issued 51 recommendations, the majority of which were addressed to the general director of the Institute of Social Services and Safety for Workers of the State, the Public Education Ministry, The Commissioner of the National Institute of Migration, Governors of the states of Morelos and Oaxaca, as well as the city council of Carmen, Campeche.

Over the course of 2005 the CNDH attended 6 thousand 317 complaint files, 843 of which had been in process since 2004. 4 thousand 717 are concluded and one thousand 420 remain in process of investigation.

He mentioned that the authorities accused with greatest frequency of alleged human rights violations were: federal authorities in 2 thousand 682 cases, accusations of joint federal and local authorities in 214 cases, and state authorities in 13 cases.

RECOMMENDATIONS

Recommendation 1/2006

February 8, 2006.

Case: Appeal submitted by Aparicio Guzmán Ruiz.

Addressee Authority: City Council of the Municipality of Carmen, Campeche.

On May 18, 2005 the National Commission opened the file 2005/195/CAMP/1/I, motivated by an appeal submitted by Aparicio Guzmán Ruiz for the non-acceptance of the recommendation which the State Commission of Human Rights in Campeche addressed on January 28, 2005, to the President of the Honorable City Council of Carmen, Campeche.

Based on the evidence which make up the file for appeal, this National Organism observed that on June 22, 2004, Aparicio Guzmán Ruiz was unjustly interned in the municipal jail, by orders of the commander and operating subdirector in the Directorship of Public Transit and Security in Carmen, Campeche, where he remained for approximately three hours until the conciliatory judge imposed a sanction, consisting of a warning as prescribed in the Traffic, Communications, and Transportation Act of the State of Campeche, which was not concretely applicable in the case.

The National Commission stated that the mentioned commander, upon ordering the imprisonment of the plaintiff in this file for appeal, and the conciliatory judge, upon imposing the sanction based on a law which had not been infringed, violated, in detriment to the plaintiff, the principles of legality and judicial certainty as stipulated in the articles 14 and 16 of the Political Constitution of the United Mexican States, as well as precedents set by many international instruments for the protection of human rights.

Based on the above, this National Organism, on February 8, 2006, issued Recommendation 1/2006, addressed to the Honorable City Council of Carmen, Campeche, for the Internal Control Organism to initiate administrative investigation proceedings against the operating subdirector of the Directorship of Public Law Enforcement, Traffic, Transit and Public Security of this municipality, as well as against the conciliatory Judge involved in these acts and to inform this National Organism of the progress starting the moment of initiation of the proceedings until the resolution of the respective cases. As well, it was recommended to set corresponding guidelines for public servers of the Honorable City Council to fulfill their obligations with strict adherence to the law and capacitated on the conduct they must observe, respecting completely the human rights of the population over the course of their performance in the duties they have been charged with. As well, the National Commission sent instructions for the necessary elements of proof to be handed over to the agent of the Public Prosecutor's Office for the timely and correct determination of the preliminary investigation ACH-2815, with regards to the accusation submitted by the victim over these acts.

Recommendation 2/2006

February, 2006.

Case: Fernando Pérez Sánchez.

Addressee Authority: Federal Ministry of Public Security and Government of the Federal District.

On February 2nd, 2005, the CNDH received the complaint of Mr. Fernando Pérez Sánchez, through which he manifested that on July 13, 2001 he entered the Federal Center for Social Readaptation Number 3 (Cefereso 3) in Matamoros, Tamaulipas, subsequent to a

term in the Islas Mariás Federal Criminal Colony, to fulfill two prison sentences imposed upon him by the First Instance Mixed Judge in Islas Mariás, but was unexplainably held in custody until January 11, 2005, surpassing the time of his jail sentence.

With the objective of investigating the above mentioned incidents, this National Organism asked for information from the head of the Legal Affairs and Human Rights Office of the Decentralized Administrative Organ of Prevention and Social Readaptation of the Ministry of Public Security (OADPRS), the General Director of the Islas Mariás Federal Criminal Colony, the then General Director of Cefereso 3, the Executive Director of Criminal Sanctions of the Government of the Federal District, as well as from the First Instance Mixed Judge in Islas Mariás.

The analysis of documentation forwarded to the National Commission by the responsible authorities, shows that Fernando Pérez Sánchez was held illegally upon being deprived of his liberty in the Cefereso 3 for more than the corresponding time of the legal prison sentence which had been imposed upon him, in view of the fact on April 19, 2004 the above mentioned jurisdictional organ resolved to reduce the imposed sanction upon the victim within the file 03/98, and notified this through documents dated on the 20th of that month and year, addressed to both the Commissioner and Executive Director of Penal Sanctions of the OADPRS, the General Director of Prevention and Social Readaptation of the Federal District, as well as the then Judicial Sub director of the Cefereso 3 by telephone, to whose address the fax notification was sent the following day. Nevertheless, Fernando Pérez Sánchez was not released until January 11, 2005, which resulted in illegal transgression upon the human rights to legality, and judicial certainty, as set down in Articles 14 paragraph 2, and 16 paragraph 1 in the Political Constitution of the United Mexican States.

Based on this exposition, on February 21, 2006, the National Commission issued the Recommendation 2/2006, addressed to the Federal Ministry of Public Security, and to the Head of Government of the Federal District, with the objective of establishing administrative responsibility which the public servers may have incurred in upon holding Fernando Pérez Sánchez illegally and depriving him of liberty; The General Attorney of the Republic and Public Prosecutor of the Federal District must be notified to initiate corresponding preliminary investigations, and for indemnization payments stemming from the damage and detriments caused to the victim to be ordered and made.

NATIONAL ISSUES

Report before the Congressional Chamber of Deputies on the Program of Agressions against Journalists and Civil Defenders of Human Rights

When presenting, February 15, the report of the Program of Crimes Against Journalists and Civil Defenders of Human Rights to the Working Group of Agressions Against Journalists and Media of the Congressional Chamber of Representatives, the National Ombudsman, José Luis Soberanes Fernández, highlighted the work that this National Organism has been developing jointly with journalistic organizations within the civil society, such as Interamerican Press Society, the Center of Social Communication, Latinamerican Federation of Journalists and Reporters, Sin Fronteras, International Peace Brigades, among others, as well as members of various media organizations, especially columnists, article writers, and directors who create spaces for reflection which allow for analysis and enable the opportunity for an adequate defense of their rights as a group in vulnerability to journalists and social communicators.

Soberanes Fernández expressed that while there have been political possibilities for the exercise of freedom of expression, there is an adverse climate affecting all guarantee of safety for journalists in their work. That climate materializes in the increase in cases of aggression against social communicators, as shown by the 60% increase in complaints arising in 2005 in comparison with the current year. He said that whereas during the six year period of Ernesto Zedillo's presidency the CNDH registered a total of 157 complaints, the presidential term of Vicente Fox, as of December 31, 2005, there had already been a total of 208 cases.

The president of CNDH told the Work Group, headed by the legislator Beatriz Mojica, that the incidents of attacks against journalists in different parts of the country have given rise to a wave of violence, and disturbing and appalling crimes to which no one may remain indifferent.

He insisted that if the reign of impunity is to be eliminated and the investigation and discovery of truth about the crimes against journalists is to prevail in the cases brought before the General Attorney of the Republic, the pressure imposed by the organized civil

society, the CNDH, and the Congressional Chamber of Representatives is important, especially in the homicides of members of the media.

Soberanes presented the representatives with the details related to the registry and conclusion of complaints, types of violations, as well as the authorities, and entities where these crimes occur, the precautionary measures that have been requested for journalists, the recommendations issued by the the CNDH in this matter and the follow up of the same, as well as the various actions of jointly organized training with civil organisms related to the topic of promotion and defense of human rights for journalists and social communicators.

As for the case of the journalist Lydia Cacho, the National Ombudsman indicated that the CNDH will carry out the investigations of the agressions of which she was a victim and will be monitoring that victim is adequately protected, for the period of time required in the legal resolution of the case.

Soberanes Fernández criticized, however, the spying of telephone conversations and considered it would be very sad if it turned out to be a state organism which conducted the recordings. "That would bring into question- he said- the security of Mexican citizens that would know of the possibility of being spied upon in any moment by their own government, which would carry serious consequences. The only possible way for the interception of telephone communication to be legal, is through a judge's order".

During this encounter with legislators, he manifested that the CNDH had accepted the file complaint case of Lydia Cacho, and that it had the acceptance and support of the victim herself to exercise the judicial processing of the complaint. Interviewed during a tour of Morelia, February 10, Soberanes Fernández mentioned that several cases of crimes against communicators, most notably the disappearance of Alfredo Jiménez, of the Impartial in Sonora, and the murder in 2004 of the Subdirector of the weekly Zeta, in Tijuana, made 2004 and 2005 "black years for the freedom of expression", but this must not be repeated in 2006.

He highlighted that the attacks against the communicators – like the occurrence in the newspaper El Mañana, from Nuevo Laredo, Tamaulipas-, are doubly worrisome, not only because it was a crime against the integrity and life of a person, but because those people exercise the right to free expression, which is an indispensable piece to democracy.

Work Meeting of the CNDH and the Citizen Council of Public Security in the Federal District

The National Commission of Human Rights and the Citizen Council of Public Security of the Federal District will demand the presidential candidates to present their plan in the area of law enforcement, the principle theme of social concern.

During one meeting, February 23, in the CNDH offices in the Historic Center of the Federal District, the National Ombudsman, José Luis Soberanes Fernández, highlighted the importance that the citizen community plays in pressuring those who aim to govern the country, to present a complete and congruent proposal on public security. He underlined the fact that even when it is a topic of proposals in electoral campaigns, not a single candidate has demonstrated sufficient or convincing interest in law enforcement.

In the face of indifference and insensitivity in the subject of governmental proposals in law enforcement, Soberanes Fernández made a call to the standard bearers of the different political parties to share their plans of action with the public that each one would undertake from their position as First Magistrate of the country.

He announced that for its part, the CNDH and other civil organizations, in view of the concern over law enforcement, will prepare a proposal to be presented to the candidates recognizing law enforcement as a fundamental right which has been left to one side, harming society as a whole.

The CNDH and the Citizen Council for Public Security of the Federal District agreed as well, as part of their work plan for the present year, to carry out an essay competition on public security, bring about debate forums on the subject, and sign a collaborative agreement with the Government of the Federal District for the creation of an integral network of attention for crime victims, as well as to seek out efficient actions in law enforcement.

As part of this encounter, the first general visitor of the CNDH, Raúl Plascencia Villanueva, presented to the attendees the Special Report of the CNDH over the Effective Exercise of Right to Public Security in our country.

The president of the Council, Fernando Schütte, promptly expressed his delight over the work with the CNDH and stressed that the points made in the said Special Report were congruent with the citizen demands and offered a greater collaboration on the part of the organization which he heads with the National Commission to promote and spread human rights within law enforcement.

The Citizen Council also presented the National Ombudsman with its program of activities for the present year, among which stick out the presentation of economic stimulus and recognition to the citizen who identified the murderer in the serial homicides of elderly women, as well as the establishment of congresses about crime victims.

Also present at the ceremony were, Arturo Mendicuti, director of the Mexico City Chamber of Commerce, Neftalí Ortiz, representative of the Association of Parents of Families, Roberto Zapata, representative of the Association of Hotels and Motels of Mexico City, Diana Cecilia Ortega Amieva, Arturo Oropeza, Gonzalo Martínez, Algonso Zermeño, Jorge A. Olea, Jorge Nader Kuri, Antonio Pascual Feria, and Francisco Javier Lara Estrada; the General Director of Províctima, Luis García López Guerrero, among others.

Training Courses

The National Commission of Human Rights, in the spirit of the institution for disseminating study, teaching, and outreach to society of human rights, carried out in the month of February, 2006, 239 training activities directed toward basic level students, group of people in vulnerability, women among others, public law enforcement and officials, judicial curators, personnel from public health institutions, non-governmental organizations, among others.

INTERNATIONAL ISSUES

Collaboration Agreement between the CNDH and the Interamerican Court of Human Rights

The National Commission of Human Rights and the Interamerican Court of Human Rights underwrote, February 14th, 2006, a collaboration agreement of constructing spaces for interdisciplinary academic research in the subject of the contemporary problematic of fundamental guarantees, with the aim of proposing strategy for the consolidation of the culture of human rights in our country, as well as promoting, coordinating, and executing training and formation activities in this matter for public servers of both institutions.

The president of the CNDH, José Luis Soberanes Fernández, and the president of the Interamerican Court, Sergio García Ramírez, signed the corresponding agreement, whereby both parts will carry out jointly studies, publications, and other tasks related with fundamental guarantees.

In the ceremony, Soberanes Fernández noted that the peoples of America face great challenges in the area of human rights, since from Alaska to Patagonia a false disjunctive is lived which pits security and law enforcement against the fundamental guarantees of human rights. "Under the flag of preserving stability,- he emphasized,- the power class commits abuses and spreads its area of influence."

After warning that old practices previously thought to have been overcome are reappearing, the National Ombudsman pointed to the fact that the press faces censure or takes refuge in self censure, even in countries with a solid tradition of defense of the freedom of expression. He added that inefficacy of authorities has made journalists a group of people in vulnerability and has allowed the freedom of press and the right to information to be exercised only under the threat of violence.

Soberanes Fernández stated that governments of the right-wing as well the left put limits upon individuals in the name of the supposed well-being of the state.

In similar fashion he highlighted the fact that archaic acts of nationalism have been revived with the dikes against migration, denying the continent the opportunity to live in harmony.

The president of the CNDH made reference to the difficult situation in Mexico, in its character as a nation in transition, as point of origin and destination for migrants, and emphasized the fact that the government of the United States has made a target out of those who cross the border without documents by allowing them to be attacked by fundamentalist groups and hardening both its migratory policy and the techniques used by its border guards, which in some cases have been authorized to use lethal force.

He highlighted his special concern over drug trafficking, the fight against which the federal, state, and municipal governments have been shown to be helpless in guaranteeing peace for their communities, especially in the border zone with the United States.

The National Ombudsman also enumerated the problems of violence against women, especially in the Ciudad Juárez, the situation of indigenous peoples, and the particular conflicts in the electoral process which will bring about the change of federal powers.

"As defenders of human rights this situation obligates us to work to the utmost of our capacities. For all those integrate the CNDH- he continued- these are times that demand us to deepen our level of commitment and sacrifice in fulfilling our responsibilities which we face before the Mexican people".

He recognized the president of the Interamerican Court, Sergio García Ramírez, for his leadership which serves as a guarantee that this organism will continue working in impeccable fashion for the justice and well-being of the peoples of the continent. He added that the CNDH has benefited with the value of García Ramírez's work, as he is a member of its Advisory Council.

Among those who attended the act were the Doctors Patricia Kurckzyn Villalobos, Héctor Fix Zamudio, and Ricardo Pozas Horcasitas, members of the Advisory Council; the general visitors Raúl Plascencia Villanueva, Susana Thalía Pedroza de la Llave, Andrés Calero Aguilar, Jorge Ramón Morales Díaz, and Mauricio Farah Gebara; the executive secretary and the technical secretary of the Advisory Council, Javier Moctezuma Barragán and Jesús Naime Libién, respectively, as well as coordinators and general directors of the CNDH.

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