

# NEWS LETTER

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### MARCH 8, INTERNATIONAL WOMEN'S DAY

As part of the struggle against inequality and discrimination towards women, the National Commission of Human Rights set in motion the Program of Equality Between Women and Men, with the object of stimulating the modification of discriminatory roles in gender, culturally established in our country, and with the aim of strengthening the right to equality between men and women.

This program seeks to sensitize and encourage public servers to not reproduce relationships of power and subordination which originate situations of inequity, exclusion, and inequality towards women. As well it will address complaints in cases of alleged violations of the human right to equality for men and women. In cases where violatory acts are determined to have occurred, proposals for conciliation or recommendations will be issued in terms of the Law of the CNDH.

In the same fashion, special reports will be elaborated on corrective actions in situations of manifest or veiled inequality.

### RECOMMENDATIONS

Recommendation 3/2006

14 de marzo de 2006.

Case: Appeal submitted by Brígida Rodríguez Cervantes.

Addressee Authority : City Council of the municipality of Pungarabato , Guerrero.

On June 6, 2005, the National Commission opened the file 2005/223/GRO/4/1, motivated for the appeal submitted by Brígida Rodríguez Cervantes, in response to the non-acceptance of Recommendation 24/2004, on the part of the City Council of Pungarabato, Guerrero, issued by the Commission for the Defense of Human Rights of the State of Guerrero.

In the written complaint before the State Commission, Brígida Rodríguez Cervantes expressed that on October 14, 2003, the Director of Public Works of the City Council of Pungarabato, Guerrero, verbally communicated to her that she must leave her house because it was invading upon the flow of public transit, and that they would be paving the street, a fact which was confirmed by the Municipal President, which motivated her to present the suit for nulification before the Tribunal for Administrative Litigious of this federative entity.

On October 24, 2003, the municipal authority notified the plaintiff in writing that she would have to evacuate her residence within a maximum of 72 hours. On day 28 of that month and year, the Tribunal of Administrative Litigious decided in favor of Brígida Rodríguez Cervantes for the provisional suspension of the contested action, whose notification of which was appropriately brought to the attention of the municipal authority.

Nonetheless, on days 4 and 6 of December, 2003, personnel from the City Council of Pungarabato, with help of heavy machinery, proceeded to tear down the domicile of the petitioner, an action which brought about the destruction of personal belongings, while others were withdrawn or thrown onto the roof of a neighboring house. The acts were brought by the plaintiff, the same December 4, before the agent of the Public Prosecutor, and motivated the addition of her complaint in the State Commission, on December 8, 2003. Due to the previously mentioned reasons, on April 26, 2004, the Local Organism issued Recommendation 24/2004, addressed to the City Council of Pungarabato, Guerrero, which, in the end, was not accepted by the authority.

Deriving from the logical-judicial analysis conducted on the evidence which are held in the present file, this National Organism considered that Brigida Rodríguez Cevantes was stripped of a plot of land located on the street of Ignacio Zaragoza of Ciudad Altamirano in the State of Guerrero, and suffered as well the destruction of her residencial inhabitation constructed on the same plot without the municipal authority which carried out this conduct having exhausted a single previous procedure nor having established legal basis and motivation for its action.

As well, this National Commission estimated that the responsible authority violated with its performance the suspension which the Regional Tribunal Chamber of Administrative Litigious, based in Ciudad Altamirano, Guerrero, had previously decreed, upon the request of the plaintiff, which put in plain evidence its lack of will in respecting legality and the Rule of Law, as well its repeated intention to harm the human rights of legality, judicial certainty, and possession of Brígida Rodríguez Cervantes, protected by articles 14, second paragraph, and 16, first paragraph, of the Political Constitution of the United Mexican States.

In the same manner, the responsible authority infringed the decrees pertaining to legality and judicial certainty, prescribed within the international instruments, such as the International Covenant on Civil and Political Rights, and the American Convention on Human Rights, which in general terms state that all persons have the right to be heard with the appropriate guarantees, in a reasonable time period, by an impartial judge established beforehand by law for the determination of their rights and obligations of any type.

In conclusion to the above, March 14, 2006, this National Organism issued Recommendation 3/2006, addressed to the City Council of Pungarabato, Guerrero, to the effect of fulfilling Recommendation 24/2004 issued by the Commission of Defense of Human Rights of the State of Guerrero .

Recommendation 4/2006

March 17, 2006.

Case: Minor Jose Luis Blanco Ramírez.

Addressee authority: Federal Ministry of Public Security.

On March 24, 2005, the National Commission received a written complaint from Mrs. Gloria Concepción Ramírez Martínez, in which she manifested that her son, the minor José Luis Blanso Ramírez, had been subject to treatment and interned within the Center for Treatment for Males of the Federal Ministry of Public Security (CTVSSP), where she visited him on March 19, 2005 and had found him in good health. However, on March 23 of the same year, she received a telephone call from the secretary of the Director of said establishment, who asked her to return to the place, in virtue of the fact that her descendent was feeling ill; and that same day she arrived to the center, where they informed her that she could withdraw as her kin had been transported to the General Hospital "Doctor Manuel Gea González" and was in stable condition, while the chief of the mentioned center had communicated to her that her son had fainted and suffered convulsions, all which in her consideration had seemed to be incongruent information with regards to the condition of health of her son.

The plaintiff added that her family member died on March 24 and that the personnel of the health center made it known to her that he had presented brain death upon being admitted; consequently, she requested that this National Commission carry out the investigation.

Based on the analysis of the documentation forwarded to the National Commission by the responsible authorities, as well from other institutions from which there had been information required in collaboration, it was discovered that the minor Blanco Ramírez approached the medical service of the Center of Treatment for Males upon presenting erythema covering the body; one staff member diagnosed him with medicine intoxication, which he then substituted, with no justification in the medical file for the substitution. Subsequently, on March 22 of the same year, the victim again entered the medical service with a poor general state of health and with a case of pharyngoamigdalitis, which resulted in the continuation of the treatment; however, the state of health of the patient worsened and the following day had to be sent to the General Hospital "Doctor Manuel Gea González", with severe neurological symptoms, resulting in his internment within the health center in coma and a case of bronchopneumonia and lymnphopenia, of which he had been neither diagnosed nor treated by the medical practitioners of the establishment in question.

In addition, a day before his death, the victim was physically attacked by another intern (DHE), causing lesions to the head with the elbow. This situation as told by the operational Subdirector of the mentioned Center, was known to the authorities, who permit this kind of mistreatment among minors.

Thus, the Director of the CTVSSP formulated an accusation before the Public Prosecutor of the Federal District, who initiated the preliminary investigation TLP-3T3/486/05-03, and on June 24, 2005, exercised penal action against DHE as the probable person responsible in the perpetration of the crime of homicide, corresponding to the Judge 65 of the Superior Criminal Tribunal of Justice of the Federal District, who on July 15 of the same year, gave the order of apprehension of DHE for his probable responsibility in the perpetration of the crime of imprudent homicide which remains pending as the accused is undergoing in-house treatment for his social responsibility in the infraction of aggravated robbery, under the charge of the Fourth Unitary Counselor of the Council of Minors in the Federal District.

Based on this information, March 17, 2006, the National Commission issued Recommendation 4/2006, addressed to the Federal Ministry of Public Security, with the aim of indicating the corresponding Internal Organ of Control to initiate and determine, according to law, an investigation for establishing the administrative responsibility which those public servers may have infringed upon who were in charge of the custody and resulting inadequate medical attention of the minor Blanco Ramirez; to indicate the Public Prosecutor of the Federation to initiate the corresponding preliminary investigations, and to order and carry out the compensation payments for the damage and injury caused to the family members of the victim.

Recommendation 5/2006

March 23, 2006.

Case: inhabitants of the community of Nueva Jerusalén.

Addressee Authority : General Attorney of the Republic and the Public Prosecutor of the State of Michoacán .

On June 8, 2005, the National Commission received the written complaint from the woman D-13 and others, in which it was stated that on March 14, 2005, the men D-5 and Bartolo Eugenio Cruz, among other inhabitants of Nueva Jerusalén, municipality of Turicato, Michoacán, presented accusations before the General Attorney of the Republic, against a group of 40 men and their leader, who had made death threats and possessed high calibre fire arms. Despite this accusation, on May 15, of the same year, Bartolo Eugenio Cruz was deprived of his life, without any actions carried out by the Prosecutor of the Federation to prevent it.

Based on the analysis of the evidence which integrate the file, the National Commission was able to determine a violation of human rights of legality, judicial certainty, and access to justice on the part of public servers of the General Attorney's office of the Republic and the Public Prosecutor of the State of Michoacan in detriment to the men, D-13, D-5 and other inhabitants of the community of Nueva Jerusalén, municipality of Turicato, Michoacán, as well as of Bartolo Eugenio Cruz.

As well, it was determined that the General Attorney's Office allowed a prolonged period of time to transpire from the moment of presentation of the accusations of the victims until these same accusations were forwarded to the corresponding Delegation in the State of Michoacán, so as to be sent later to the Federal Public Prosecutor's office in the city of Morelia.

The National Commission was able to observe that the agent of the Public Prosecutor in charge of the investigation omitted dictating the measures and taking the necessary provisions for offering the security and aid required for Bartolo Eugenio Cruz and the other members of the accusing party, which resulted in the the lack of timely performance on the part of that authority.

As a result, the public servers of the General Attorney's Office of the Republic and the Public Prosecutor of the State of Michoacán , transgressed upon the decrees of different international instruments of Human Rights and ratified by Mexico .

In response, the National Commission, on March 23, 2006, issued Recommendation 5/2006 addressed to the General Attorney's Office of the Republic and the constitutional Governor of the state of Michoacán, indicating the General Attorney's Office of the Republic to ask the Internal Organ of Control initiate administrative proceedings against the agent of the Public Prosecutor of the Federation in charge of the documentation of the preliminary investigation AP/PGR/MICH/M-II/154/2005; at the same time as issuing the necessary administrative guidelines in order for the agents of investigation of the Public Prosecutor of the Federation, in the face the knowledge of crimes which put the integrity or life of the accusers, victims, or offended people in danger, to guarantee the outright enjoyment of the rights which are recognized in part B, fraction VI, of article 20 of the Political Constitution of the United Mexican States; as well, to instruct agents of the Public Prosecutor of the Federation to omit the practice of initiating circumstantiated acts with respect to crimes that are place before them by the victims or offended people, reorienting the content of agreement A/010/92, pertaining to articles 20,

part B, 21 and 102 part A, of the Political Constitution of the United Mexican States, with the aim of propitiating the necessary conditions for procuring justice in a swift, complete, and impartial manner and to accomplish with the rights of victims of crime.

It was recommended that the Public Prosecutor of the state of Michoacán notify the competent Internal Organ of Control, so it may initiate the corresponding administrative proceedings against the agent of the state Public Prosecutor's Office who was in charge of the investigative file 114/05-IX, and in the case of finding guilt in some crime, request the initiation of the corresponding preliminary investigation; to immediately dictate the measures and the necessary provisions so as to secure the protection of the victims who called the Public Prosecutor's attention to the threats against themselves on April 25 and May 24, 2005, and swiftly determine, as the law provides, the preliminary investigation 114/05-IX, with respect to the illicit acts alleged; to instruct the investigative agents of the Public Prosecutor's Office on the staff of the General Attorney's Office in that federative entity, when confronting crimes that place the integrity or life in danger of those who accuse, victims, or offended people, to guarantee the immediate and outright entitlement to the rights which are recognized in part B of the article 20 of the Political Constitution of the United Mexican States.

## NATIONAL ISSUES

Second Workshop on the Application of the Protocol of Istanbul .

During March 13 and 14 of the present year, the Second Workshop on the Application of the Istanbul Protocol was carried out in Monterrey, Nuevo León, in coordination with the Office of the United Nations High Commissioner for Human Rights in Mexico (OHCHR) and the Ministry of Foreign Affairs.

The course was directed toward the state organisms of human rights from the north of the country in order to train personnel in the Istanbul Protocol and qualify them in diagnosing and detecting elements of torture.

On this occasion public servers were present from the State Commissions of Human Rights from Baja California , South Baja California, Coahuila, Nuevo León, Sinaloa , Sonora , and Tamaulipas.

This Second Workshop was honored by the participation of two international experts from the OHCHR, as well as from experts from the Ministry of Foreign Affairs, the General Attorney's Office, and the National Commission of Human Rights.

The subjects discussed were torture from the point of view of the universal and interamerican system, the legal standards for combating torture in Mexican law, torture as a crime, objectives of a torture investigation, principles relative to investigation, techniques for carrying out interviews, signs and psychological side effects to torture, the importance of the National Commission of Human Rights for the fulfillment of the obligations of the state to prevent, punish, and eradicate Torture, remedies to victims of torture, mistreatments among others.

The inauguration was attended by Dr. Javier Moctezuma Barragán, executive secretary of the National Commission of Human Rights, Daniel Garza Garza, president of the Nuevo León State Commission of Human Rights, Dra. Nieves Gómez Dupuis, and Dr. Alejandro Moreno, both from the Office of the United Nations High Commissioner for Human Rights of Mexico .

Network of Integral Attention for Victims of Crime.

The National Commission of Human Rights, the Government of the Federal District and the Citizen Council of Public Security of the Federal District underwrote on March 8, this year, an agreement for establishing a Network for Integral Attention to Crime Victims, which facilitates access to the system of help for victims within the capital of the country and follow-up in all the activities oriented toward the promotion, protection, and spread of their fundamental rights among the population of Mexico City.

With this document, which was signed by the president of the CNDH, José Luis Soberanes Fernández, the chief of the Government of the Federal District, Alejandro Encinas Rodríguez, and the president of the Citizen Council on Public Security of the Federal District, Fernando Schütte Elguero, all parties committed themselves to promoting fundamental rights for crime victims, as well as proposing multidisciplinary programs in conjunction with public and private organisms at all levels of government, which permit the broadening of the sphere of attention, observance, and protection of the rights of victims.

The underwriters will also collaborate in programs, actions and public policies for fomenting the culture of protection of fundamental rights for crime victims, and the prevention of victimization, and will coordinate their participation in the training and awareness programs which they now hold, oriented towards public servers dealing with maintenance and administration of justice, health, and public security, as well as those related with the legislative process of the Federal District, within the framework of the Models of Psychojuridic Restitution of Rights and Attention to Victims of Crime

During the act, effectuated in the Old Corpus Christi Convent, in the Plaza de Juárez, the National Ombudsman, stressed that as public servers, and as organized citizens, each individual must make a greater effort for preventing liberty and life of capital residents were trampled on by crime.

He stated that fear of being victims of assaults, robberies, and kidnappings is as great for capital residents as it is for national and foreign visitors, which has brought about negative impact in both the social and economic realms for the capital of the country. He emphasized that changing such a situation and struggling against the advance of the underworld and organized crime is a task that requires more than only profound reforms in our criminal system for it to be more effective in the prevention and fight against crime.

For the development of activities which will be generated with the aim of fulfilling the agreement, the signing parties will integrate a working group, which will be encharged with planning, developing, and executing the tasks that derive from it, adopting determinations by way of consensus.

On behalf of the CNDH, the participant will be the First General Visitorship; for the Government of the Federal District, both the Minister of Government and the Public Prosecutor, and representing the Citizen Council will be its president. The meetings of this working group will also include a representative of the Superior Tribunal of Justice of the Federal District and another from the Legislative Assembly of the Federal District.

#### Training Courses

The National Commission of Human Rights, in adherence to the spirit promoted by the institution in disseminating the study, teaching, and the outreach to society of human rights, carried out over the month of March, 2006, 199 training activities directed to basic level students, groups of people in situations of vulnerability, among them elderly people, women, and people with disabilities, people who live with HIV or AIDS, young people, public servers in the armed forces and public security, and law enforcement, personnel of public health institutions, public organisms of Human Rights, and Non-governmental organizations, among others.

#### INTERNATIONAL ISSUES

CNDH's delight for the establishment of the UN Council of Human Rights.

The National Commission of Human Rights considers that the establishment of the United Nations Council of Human Rights opens opportunities for strengthening the collaboration with national institutions for promotion and protection of human rights.

Consequently, this national organism expressed its pleasure with the decision of the General Assembly of the United Nations to establish the Council of Human Rights, which substitutes the Commission of Human Rights.

This new forum, which will function as a subsidiary organ of the General Assembly, and will be based in Geneva, Switzerland, represents for the CNDH the opportunity to contribute, even more as a national institution to the defense and promotion of human rights. The first meeting of the Council is programmed for this coming June 19.

Once the 47 members of this new Council have been selected, this May 9, the CNDH will present before this instance a report on the complaints that have been substantiated before this organism on the violations of human rights for Mexican migrants that cross the border into the United States in an undocumented fashion- including the violation of the right to life- , as well as the intention of the government of the United States to construct the border wall along the strip that divides Mexico and its neighbor to the north.

The National Commission rejoices that it is this Council which will deal with the situations which infringe upon the essential rights, including serious and systematic infractions, and will emit the corresponding recommendations, promoting both education and learning in the area of human rights, as well as the thorough fulfillment of the obligations in the matter contracted by the States, and follow through with the objectives and commitments emanating from the conferences and summits of the United Nations.

The Mexican National Ombudsman expresses his support for the decision of the General Assembly of the UN to have this Council bring about a periodic universal exam, based on objective and truthful information on the fulfillment of each State in its obligations and commitments in the area of human rights in such a way as to guarantee the universality of the exam and the equality of the treatment among all the States.

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