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THE MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS ATTRACTED THE CASE OF THE MASSACRE OF AGUA FRÍA, OAXACA

Twenty-seven dead peasants, one wounded and one survivor was the blood tainted result of the massacre that took place last May 31, in the place known as Agua Fría, in the municipality of Santiago Textitlán, Oaxaca.

The deceased persons were traveling in the back of a truck, in an unpaved road in the District of Sola de Vega, when, in an evident ambush, they were suddenly intercepted by an armed group. After being forced to get out of the vehicle, and in an evidently savage manner, the peasants were shot to death by gunmen.

The massacre is the result of numerous and severe encounters that have taking place between antagonistic groups in that region.

Due to the severity of the matter, and to the fact that this event is of interest not only for the federal entity where the events took place, and to the grave incidence this case has on national public opinion, the determination of the National Commission to know fully about this matter is justified, according to the statutes of the law.

With the object of carrying out the objectives of the power of attraction, which consist in making sure there is unity in the investigation, starting on June 9, the only public institution in charge of protecting human rights who is presently investigating the presumed violations of human rights in the case above mentioned, is this autonomous National Institution. The CNDH has the power to determine the level of collaboration that, if such be the case, the Oaxaca State Commission might need, and functioning only as an aid to the needs of the investigation.

Among the first measures taken by the CNDH is that of having commissioned immediately a group of visitors who went to the village of Santiago Textitlán, to interview and to support the families of the victims, to gather testimonies regarding the dynamics of the facts, their probable causes and, above all, the possible violations to human rights which may have taken place before and during the events. And also, to gather the necessary information from local and federal agencies to fully integrate the file.

By repeting the repudiation to acts of violence such as those that took place in Santiago Xochiltepec, this National Commission states that it will maintain the public opinion informed about the follow-up given to the investigation on presumed violations to human rights.

RECOMMENDATIONS

Recommendation 20/2002

June 7, 2002

Case: Capture and death of Roberto Reyes Barajas, Abel García Magaña and Juan Carlos Gregorio Pablo.

Authority Addressed: Federal Secretary of Public Safety.

The National Commission for Human Rights received a written complaint from the Miguel Agustín "Pro Juárez", Center for Human Rights, which contained the accusation of the violation of human rights of Roberto Reyes Barajas, Abel García Magaña and Juan Carlos Gregorio Pablo, who on the January 31, 2002, when riding in a Ford station wagon, were stopped at the crossroad leading to "El Bajío" and "Santa Rita" ranches, municipality of Ocotlán, Jalisco, in order to be searched by elements of the Federal Preventive Police. One of the 3 subjects above mentioned shot to death a Sub officer, and they also injured another officer with their blows and then fled from the scene of the crime.

These persons were then persecuted and found; they were detained by an officer from patrol car number 7354 who caught them in the village of San Antonio Rivas, municipality of La Barca, Jalisco. Roberto Reyes Barajas, Abel García Magaña and Juan Carlos Gregorio Pablo were then killed and a faked confrontation with Roberto Reyes Barajas was organized as well as a supposed struggle between an officer of the Federal Preventive Police and Abel García Magaña for the control of the officer's firearm.

From the conduct carried out by those members of the Federal Preventive Police it was established that Roberto Reyes Barajas, Abel García Magaña and Juan Carlos Gregorio Pablo were subjected to the violation of their fundamental rights to life, legality and security, consecrated in Articles 14 and 16 of the Mexican Constitution.

As a result of the above, on the June 7, 2002, the National Commission issued Recommendation 20/2002, addressed to the Federal Secretary of Public Safety, in which it recommended that an administrative investigation be initiated against the members of the patrol cars, subject of this case, and that in due time this be resolved in accordance with the law; that the National Commission be informed from beginning to end, of all the measures taken by said organ of control; that instructions be given to grant the Agent of the Public Ministry, of the State of Jalisco, all the help needed to fully carry out the initial investigation; that training courses be given permanently to members of the Federal Preventive Police in order to make them know and respect the human rights of citizens; that an indemnification be determined to be given to the families of the men object of this recommendation, in satisfaction of the damage caused; that the necessary measures be taken to evaluate periodically the profile of officers in charge of public safety and to identify, if it be the case, the psychological conditions which may put society in grave danger making it thus impossible to adequately offer the service of public safety in situations such as those that caused the issuing of the present document.

Recommendation 21/2002

June 13, 2002

Case: Armando Chew Cervantes and Jaime Alvarado Esteves.

Authority Addressed: State Commission for the Defense of Human Rights of Guerrero.

On May 2, 2002, this National Commission received the written complaint presented by Jose Luis Chew, due to the inactivity of the State of Guerrero's Commission for the Defense of Human Rights. The written complaint was situated in this National Organism and from the amount of evidence presented the inactivity mentioned was proven, hence the plaintiff's grievance was thus being well founded.

Due to the above, on the June 13, 2002, this National Commission issued Recommendation 21/2002, addressed to the President of the State Commission for the Defense of Human Rights of Guerrero, with the purpose of having it order a proper and quick integration of the complaint file pertaining to the case of Armando Chew Cervantes and Jaime Alvarado Estevez, and in view of the evidence collected, that a resolution, according to law, be issued as soon as possible; that the competent control organ of that State be allowed to know the case, so that an administrative procedure be initiated and determined, according to law, against those public servants of the Commission for the Defense of Human Rights who by their inactivity have delayed the due course of the file of the complaint in question, as well as the responsibility they might have incurred upon.

Recommendation 22/2002

June 19, 2002

Case: Mrs. Ricarda Hernández Chacón.

Authority Addressed: Ministry of Finance and Public Credit (SHCP).

On July 12, 1999, Angel Joaquín López Hernández presented this National Institution a document in which he stated that after having initiated since 1967 several judicial and administrative procedures against his client, Mrs. Ricarda Hernandez Chacon, who was then a salesperson "F" in the Federal Office of Finance in the city of Cordoba, Veracruz, was given a "list of charges", which in turn led to the embargo of several goods. He stated that the Federal Fiscal Tribunal declared null the list of charges, and that the grieved person was acquitted of the crimes she was accused of, and that in spite having asked several instances the Ministry of Finance and Public Credit

for the return of the seized goods, these were not returned in full, file 1999/2929-1 was then routed in this National Commission, which was then closed as a result of legal orientation given on December 31, 1999.

On March 16, 2001, Angel Joaquín López Hernández presented this National Commission with a document in which he asked the reopening of file 1999/2929-1, indicating that in spite of having carried out several measures, and presented various documents to members of the Federal Tax Attorney, the plaintiff had not yet been returned all of the seized goods.

From the analysis of the facts included in the complaint file, this National Commission found sufficient evidence to establish the conduct of the public servants working at the SHCP, constituting a series of violations against the right to legality and security, committed against Mrs. Ricarda Hernández Chacón.

As a result of the analysis of these facts, this National Commission issued Recommendation 22/2002, addressed to the Minister of Finance and Public Credit in order to determine according to Law the legal status of the goods that were seized from Mrs. Ricarda Hernández Chacón, as well as to establish the corresponding procedure for the return of said goods, or the respective restitution or compensation, and at the same time, that the Internal Comptroller's Office of the Ministry of the Comptroller and Administrative Development be allowed by the Ministry of Finance and Public Credit to be heard, in order to initiate the administrative investigatory procedure against those public servants who intervened in the procedure for the return of the plaintiff's seized goods.

DOMESTIC RELATIONS

The CNDH signed a Collaboration Agreement with the ANFADE

On June 10, 2002, the CNDH signed a Collaboration Agreement with the National Association of Faculties, Law Schools, Departments of Law and Institutes for Juridical Investigations (ANFADE).

This Agreement will allow both institutions to help each other in the organization of academic, scientific, cultural activities as well as in research, training, up-dating and diffusion. Among the most important activities will be to jointly design programs, seminars, forums, workshops, editions, publications and other similar activities.

Mannequin Exhibition "Machitos a la Mexicana"

In collaboration with the cultural and artistic activities fostering a culture of respect for fundamental rights, the CNDH opened its doors to the Exhibition of Mannequins called "Machitos a la Mexicana" (a play on the words Mexican Little Machos), which tries to show, in a uncomplicated and ingenious way, the lack of equality, the harassment and the belittling of domestic work that can exist in the midst of a family, by making ridicule of social stereotypes through 22 mannequins dressed with disguises.

The exhibition was inaugurated by the National Ombudsman, Dr. José Luis Soberanes Fernández, together with the authors of the show, Noris J. Rodríguez and Alfonso Anaya, who are members of the Training and Social Communication Center (Centro de Capacitación y Comunicación Social, A. C). The exhibition will be open to the public until July 10, at CNDH's headquarters.

Dr. Soberanes stated during the opening ceremony that in this exhibition both "art and the act of becoming aware, are united to make their objectives coincide, inviting us to reflect about the most important problems confronting society and seeing thus emerge from the solitary act of contemplating a piece of work, empathy towards those victims of family violence."

Annual Cycle of Conferences and Round Tables: "Human Rights and Globalization"

Four Round Tables took place this month. The first one "The Universal Declaration of Human Rights" took place on June 6, and the participants were Lic. Yanerit Morgan Sotomayor, officer from the General Direction of Human Rights of the Ministry of Foreign Affairs, and Dr. Ricardo Camacho, from the Casa Alianza Foundation. The second round table met on June 13 and it was devoted to the theme of "Racial Discrimination". The participants were Dr. Alicia Elena Pérez Duarte, Latin America Delegate from the World Organization against Torture, and Lic. Ricardo Hernández Forcada, researcher from the CNDH's Human Rights Center. The third round table on "Progress and Social Development" took place on June 20 and its participants were Lic. Jorge Planas Fernández, Director of Coordination and Liason, in the General Direction of Social Policy in the Ministry of Social Development. Finally, the fourth round table met on June 27 with the theme "Science and Technological Development for Peace and Humanity", with the presence of Dr. Silvia Torres Castilleja de Peimbert, Director of the Institute of Astronomy from Mexico's National Autonomous University (UNAM), Dr. Judith Zubieta García, Assistant Director for the Promotion of Graduate Studies at CONACYT and finally Dr. Enrique Calderón Alzati, President of the Rosenblueth Foundation.

Remember that the meetings take place year round, every Thursday, in the Dr. Eduardo García Máynez Auditorium at the Faculty of Law, at the UNAM. Circuito Escolar, Ciudad Universitaria, México, D. F.

Training Courses

The National Commission for Human Rights, in strict compliance with the spirit promoted by the institution of the Ombudsman for the promotion of the study, teaching and diffusion of Human rights, held during the month of June, 115 activities, among them 21 workshop-courses, 22 conferences, 10 workshops and 5 courses. In response to the petition from the Marista University of Mérida, Yucatán, a cycle of conferences was organized on the subject of "Regional Forum on Human Rights", and a Diploma Course on Human Rights was offered in coordination with the State Commission for Human Rights and the Zacatecas Autonomous University.

In answer to the Mexican Institute of Social Security's request, in the Federal District, a Round Table was organized under the title "Institutions who offer services to Older Persons" and finally, in response to the request of the Federal Attorney General's Office, in the State of México, a "Human Rights" course was offered to the personnel of said institution.

Among the subjects analyzed in the various activities carried out, relevant to the training and publicity of the culture of human rights, were: "Basic Human Rights Aspects", "Human Rights of Youths"; "Teaching with tenderness", "Rights of Boys and Girls", "Rights of Handicapped Children", "Family Violence", "Rights of Childhood and Child Abuse", "Human Rights go to the University", "Teaching and Human Rights", "Education and Human Rights", "Rights of Elderly Persons", "Institutions Offering Services to Elderly Persons", "Rights of persons with Handicaps", "The Rights of Persons with Different Abilities", "Rights of people with HIV/AIDS", "Theory of Human Rights Theory", "International and Regional System for the Protection of Human Rights", "International Humanitarian Law", "International Protection of Human Rights", "Human Rights in a Democratic Society", "Introduction to Human Rights and Civil Society", "Human Rights Protection in the Operation of the Ministerial Police", "The Office of the Public Ministry, the Ombudsman and Human Rights", "Family Mediation", "Human Rights of Migrants, Women and Children", "Migration and Human Rights", "Human Rights and Health", "Rights of Patients", "Protection of Human Rights in Mexico", "Strategic Planning and Quality of Service", "Formation of Promoters of Human Rights" and "Human Rights of Indigenous Populations", among others.

INTERNATIONAL RELATIONS

The President of the Mexican National Commission for Human Rights participated in the Seminar for the Establishment of the Ombudsman of Lebanon

Dr. José Luis Soberanes Fernández was invited to participate on June 3 and 4, in the Seminar "The Establishment of an Ombudsman", which took place in the city of Beirut, Lebanon, where he gave a conference on the evolution, legal framework and main activities of the Mexican National Commission for Human Rights in the twelve years it has been operating.

The object of this Seminar was to know the characteristics of the many Ombudsman offices throughout the world, with the purpose of learning and being enriched by their experiences.

Present during the Seminar were 26 Ombudsman from Europe, Africa, Asia and America, who shared their most important experiences and their knowledge in support of the establishment of an Ombudsman Office in Lebanon. They discussed the proposed future law. Also present were several judges, politicians, lawyers and representatives of over 50 NGO's.

During his presentation Dr. Soberanes Fernández, after having made a brief resume of the specific way of operation of the Mexican National Commission for Human Rights, he made special emphasis on the need each country has of adapting specific characteristics of the Ombudsman, to their own experiences and particularities, and underlined the importance of creating new institutions, for the promotion and protection of human rights with ample constitutional support, responsible for creating awareness for a social conscience in favor of respect for the dignity of people, basic principle of harmonious social cohabitation in a State of Law.

PUBLICATIONS

Gaceta. Official publication of the Mexican National Commission for Human Rights. Number 141, corresponding to the month of April.

Soberanía de los Estados y la Corte Penal Internacional (State Sovereignty and the International Criminal Court). National Commission for Human Rights. México, June 2002. Book.

La violencia Familiar y los Derechos Humanos (Family Violence and Human Rights). National Commission for Human Rights. México, June 2002. Book.

Derechos Humanos de los Indígenas (Human Rights of Indigenous Populations). National Commission for Human Rights. México, June 2002. Booklet.

Discriminación hacia los Pueblos Indígenas (Discrimination against Indigenous Populations) National Commission for Human Rights. México, June 2002. Booklet.

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