

NEWS LETTER

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THE MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS MANIFESTS ITS SOLIDARITY IN THE CASE OF THE 290 HOMICIDES OF WOMEN WHICH HAVE OCCURRED IN CIUDAD JUÁREZ, CHIHUAHUA.

Ciudad Juárez is located in the border zone between México and the United States. In this city diverse problems converge which imprint specific characteristics on the city, such as drug trafficking, illegal migration, and women trafficking. All these, joined with the dynamics imposed by the national and foreign factories which are found there, have contributed to the increase of the levels of violence in the city. This is, without doubt, a situation which men as well as women must face daily.

In 1989 violent murders were detected, which led civil and social organizations to denounce the numerous murders. Since 1993, up to the present date, 290 women died to strangulation, broken necks, or knifed; some presented signs of sexual violence and other forms of torture, and their bodies were abandoned in empty lots, or at the side of the roads. Until this day, it has been impossible to stop the series of murders and disappearances.

The majority of the victims have been women and girls between the ages of 15 and 25, almost all of them migrants and workers in the factories, of commercial establishments, or students. The authorities have pointed out as possible causes, the traffic of organs, drug trafficking, or women trafficking. But, there are lines of investigation that have not yet been considered, such as the hypothesis of satanic groups or the filming of "snuff" videos which are gaining force.

The Attorney General's Office of Chihuahua attempted to establish the figure of a lone assassin as being responsible for the homicides. There have been arrests, but it has not been possible to proceed against anyone due to the lack of convincing proof, and so the homicides have continued, in spite of said arrests.

After an investigation on the alarming situation concerning the murders of women in that city, the Mexican National Commission for Human Rights issued in 1998, Recommendation 44/98 in which the irregularities in the investigations, and the responsibilities of the authorities are discussed in detail, and very specific recommendations are made, not only in the sense of clearing up the deeds, but also the undertaking of preventive measures regarding the acts of violence to women. This Recommendation's enactment is still pending due to the lack of results in the investigations which the authorities have undertaken in order to clear up said cases.

In light of this, the Mexican National Commission for Human Rights has decided to manifest its solidarity with the relatives of the 290 women murdered in Ciudad Juárez under unclear circumstances, and whose fundamental guarantees to life and to their integrity, have been violated. As of November 2002, on the 25 day of each month, the flag of the Mexican National Commission for Human Rights flies at half-staff.

Women from the México Possible Party, for the third time since they initiated their campaign of demands on the authorities, have stood guard before the flag at half-staff, of the National Commission for Human Rights, and they remind the authorities and public opinion of the impunity in the case of the murdered women as a claim for justice.

During the act corresponding to the month of January, demonstrators from the México Possible Party expressed their confidence that the intervention of the Mexican National Commission for Human Rights, in the investigation from the perspective of knowing and defining exactly the violations committed against the guarantees and fundamental rights of the victims, will contribute in giving new impulse to the investigations of the Department of the Public Prosecutor up to date have been unfruitful to give with the responsables and stop the wave of crimes.

By the other hand, and within the authorities inefficiency the President of the Mexican National Commission for Human Rights qualified this event as a "national shame" and initiated an official plaintiff in respect at this case. Also, he decided that his office in Ciudad Juárez, Chihuahua, next to open, in charge to bring attention to migrants', take care of the investigation of this murders, as the violation of Human Rights resulting of this deaths.

RECOMMENDATIONS

Recommendation 1/2003
January 16, 2003

Case: Mrs. Laura Guzmán Soria
Authority addressed: General Director of the Mexican Social Security Institute (IMSS)

On December 25, 2001 Mrs. Laura Guzmán Soria went to the Gyno-Obstetrics Hospital No. 7 of the IMSS in order to receive medical attention due to her pregnancy. In spite of already having received a diagnosis of Fatal Loss in Uterus, she remained there for 34 hours without medical attention, and needing a C-Section urgently. This aggravated the Septic State in which she found herself, and required emergency surgery, during which she suffered cardiac arrest and subsequently died.

Relatives of Mrs. Guzmán Soria lodged a complaint regarding these facts on the 28 of December, 2001, before the agent of the Department of the Public Prosecutor of the General Attorney's Office in Baja California, where the prior investigation 634/2001 was initiated, and which 10 months later, on October 8, 2002, was remitted for reasons of province, to the office of the PGR (General Attorney of the Republic) in the city of Tijuana and which is still being integrated.

From an analysis of the facts, the Mexican National Commission for Human Rights considers that the five doctors who attended Mrs. Guzmán Soria, all of them assigned to the afore-mentioned hospital incurred diverse conducts violatory to guarantees, among them the right to life and the protection of the patient's health, while public servants of the state Attorney General's Office delayed sending the prior investigation, and for this reason the Management of Internal Affairs and the Comptroller of the PGR was requested to initiate the investigation on the corresponding administrative responsibilities.

Also, the CNDH concluded that the medical attention which the harmed person received was inadequate, since, after waiting 32 hours, two more hours transpired from the moment she arrived at the hospital and the moment in which she was interned in the Emergency Unit.

Additionally, the medical report states that Oxytocin was administrated to the patient so as to induce labor, and there already existed fetal loss in the uterus, and this procedure was not advisable, according to the experts opinion, due to the possibility of collateral damage such as infections, coagulopathy, embolisms of amniotic fluid, among other things, and the risk of subjecting a patient in these conditions to a period of labor. Also, the attention given the pregnant woman was inadequate for in the file medical notes were found in which the absence of medical personnel in the obstetric-surgery unit was described, as well as the absence of the medical internist, who was on vacation, deficiencies which led to critical situations, without oportune measures being taken on behalf of the directors of the hospital. Also detected in the clinical file were notes and deficient registration on the date, hour, complete name and signature of the person who filled it out, as well as the attending physician.

The CNDH considers that in this case transgressions were made, in, among other ordinances, the General Health Law and its regulations, the Federal Law of Responsibilities of Public Servants, in relation to the sixth transitory article of the decree of the Federal Law of Administrative Responsibilities of Public Servants as well as diverse international instruments underwritten by Mexico.

For this reason, in its Recommendation 1/2003 the National Commission for Human Rights recommended the following:

- 1.- That the Internal Comptroller's Office of the Secretaría de la Contraloría y Desarrollo Administrativo (SECODAM) in the IMSS investigate the performance of the physicians who attended the patient, as well as that of the directors of the Gynecology and Obstetrics Hospital, Family Medicine Unit No. 7, in Tijuana, Baja California.
- 2.- The order be issued and payment made of the compensation decreed by law, in favor of the person credited with the best right to receive it, as a consequence of the deeds and omissions which caused the death of Mrs. Guzmán Soria.

Recommendation 2/2003
January 16, 2003

Case: Appeal presented by Mr. Jose Guadalupe Huerta Guillén.

Authority addressed: Governor of the State of Nuevo León.

Mr. Jose Guadalupe Huerta Guillén, formerly a policeman of the Management of Public Safety in the State of Nuevo León, voluntarily resigned from his post on June 15, 1999, and without any justification or basis on proven facts, his work antecedents were modified to the point of appearing registered as if he were an untrustworthy person and a delinquent separated from his job in a shameful manner.

In light of this, Mr. Guadalupe Huerta Guillén gave notice of an appeal before the State Commission of Human Rights in Nuevo León, which gave course to an investigation and a Recommendation which granted the right of the plaintiff, but was not accepted by the State Ministry of Government.

The former policeman, who then went to the CNDH in order to challenge the inacceptance, stated that due to the manipulation of his antecedents he has been unable to find work, since the police authorities of Nuevo León refer to him as a person who has infringed the law, unworthy of trust and who was fired in a shameful manner, there not being any information to substantiate this.

After asking for work in several places, where he was treated with distrust and where he was denied the opportunity to work, Mr. Huerta Guillén found about the kind of work references which authorities from the state government gave concerning him. Supposing that there had been an administrative error, he asked the Sub-Secretary of Security for the State of Nuevo León, to investigate this case, for he felt unjustly maligned and slandered, since his separation from his job was a voluntary resignation, and not for infamous or shameful reasons.

As a reply, subsequent to his resignation, he was informed that an administrative procedure had been initiated in the Commission of Honor and Justice of the Sub-Secretariat of Security of the State of Nuevo León, for diverse complaints of extortion, grave threats, bribery, theft of official documents and insubordination, and that said Commission, by means of a resolution, suggested his discharge.

When Recommendation 20/2002 dated April 5, 2002, issued by the State Commission for Human Rights of Nuevo León, was not accepted, Mr. Huerta Guillén placed his challenge recourse before the Mexican National Commission for Human Rights.

From the analysis of the facts, the CNDH verified that the authorities of the state public administration ignored the resignation of the worker and affirmed the knowledge of the afore-mentioned Commission's resolution as cause for his discharge. Samely, it found out that when the deeds which gave rise to this complaint happened, the Commission of Honor and Justice did not legally exist, since it was created on October 18, 2000, due to changes in the Law of the Public Security System of the entity, whereby the resolutions related to cases prior to that date are null and void of any legal right.

For this reason, the CNDH issued Recommendation 2/2003 in which it requests that the Governor of the State of Nuevo León, give complete fulfillment to the specific points of Recommendation 20/2002, issued April 5, 2002, by the State Commission for Human Rights, so that Mr. Jose Guadalupe Huerta Guillén be compensated in the enjoyment of his legal rights and legal security, established in articles 14 and 16 of the Political Constitution of México, and so that the public servants be sanctioned, in that with their actions they maligned and slandered him unjustly.

Recommendation 3/2003
January 31, 2003

Case: Appeal presented by Mr. Francisco Puerta Mendivil.
Authority addressed: Municipal President of the city of Chihuahua, Chihuahua.

Mr. Francisco Puerta Mendivil appealed before the Mexican National Commission for Human Rights regarding the inacceptance of Recommendation 11/2002 addressed by the State Commission for Human Rights of Chihuahua to the then Municipal President of the city of Chihuahua, given that inspectors from the Management of Municipal Urban Development of that entity, without cause and without a legal order, secured property belonging to Mr. Francisco Puerta Mendivil's place of business, as well as some motor vehicles, tools, domestic furnishings, and other merchandise. Among the merchandise "unduly secured" are materials and food products, these having been thrown into the city dump given their deplorable conditions, according to the reasons given by the municipal authority, who refuses to repair the damage caused the plaintiff.

In its investigations, the CNDH verifies that no legal order existed which would authorize the municipal public inspectors, Fabian Ortiz and Gilberto Yañez to secure the property of the plaintiff, and dispose of them, sending them to the public dump. Besides which, the performances of the municipal inspectors were undertaken in terrain of federal jurisdiction, and therefore, subject exclusively to the powers of the Federation.

From the investigation undertaken by the CNDH, it is made clear that sufficient reasons exist which certify that the plaintiff's Human Rights were violated, specifically those related to legality and to legal security enshrined in articles 14 and 16 of the Political Constitution, that the public servants incurred in administrative irresponsibility because of acts or omissions which affect the legality,

honesty, loyalty, impartiality and efficiency which they must have in carrying out of their work, charges, or commissions, besides which upon disposing of other people's property, the plaintiff was unduly deprived of his property, possessions and rights.

For this reason, the CNDH issued Recommendation 3/2003 in which it requests the authorities of the City Council of Chihuahua fulfill Recommendation 11/2002 which the State Commission for Human Rights of Chihuahua issued, where it emphasizes the need to repair the damage caused by its public officials to the property of Mr. Puerta Mendivil, as well as investigate the conducts of the inspectors related to the case, and proceed according to law.

DOMESTIC RELATIONS

Designation of new officials in the CNDH

On January 7, of the present year, the President of the Mexican National Commission for Human Rights, Dr. José Luis Soberanes Fernández designated Mr. Salvador Campos Icardo, Attorney-at-Law, as the new Executive Secretary and Mr. Jesús Naime Libián, Attorney-at-Law as General Coordinator of the Presidency of the CNDH.

Mr. Campos Icardo substitutes Mr. Francisco Olguín Uribe, who worked in the Executive Secretariat during two and a half years.

Mr. Campos is a lawyer graduated from the National Autonomous University of México, and career member of the Mexican Foreign Service, where he rose to the position of Ambassador in 1982. Among the important posts which he has held the following stand out: General Consul in Paris, France; Ambassador to the Kingdom of Morocco, accredited also as Concurrent Ambassador in Senegal, Ivory Coast, Ghana, Mali and Gabon. He also occupied the post of Minister in charge of Political Affairs in the Mexican Embassy on Washington, D.C., U.S.A., and has been advisor of the Subsecretary for Africa, Pacific Asia, Europe and the United Nations, as well as General Director for Europe of the Foreign Relations Ministry.

For his part, Mr. Jesús Naime Libián, new Coordinator of the Presidency of the CNDH, has degrees in Law and Administration from the Autonomous University of the State of México, has a specialization in State Public Administration and is a professor selected by means of a competitive examination, on Constitutional Law of the Mexican State, from the Autonomous University of the State of Mexico.

Amongst other posts, Mr. Naime has worked as General Coordinator of Administration for the Federal Telecommunications Commission, Human Rights General Director for the Ministry of Communications and Transport, General Director of Material Resources of that same agency, Coordinator of Advisors of the General Coordination of Ports and Merchant Marine, and advisor to the General Director of Teléfonos de México. (Mexican Telephone Company).

The death penalty commuted to three Mexicans in the U.S.A.

In a letter dated January 13, 2003, the President of the Mexican National Commission for Human Rights, Dr. José Luis Soberanes Fernández, expressed the recognition of the CNDH to the Governor of the State of Illinois, U.S.A., George Ryan, for repealing the death sentences of 156 prisoners, among them three Mexicans.

In the same communiqué, the National Ombudsman pointed out that said decision, which commutes the death sentence for life imprisonment is due not only to a clear humanitarian conscience on behalf of the governor, but also to the conclusion that the death penalty is essentially immoral and unjust, and bears many procedural errors of "arbitrariness and lack of impartiality".

In a new communiqué, Dr. Soberanes Fernández stated that it is not excessive to confirm that capital punishment is very frequently applied to persons without sufficient means for their defense, to the weak, the poor, the ignorant and persons who belongs to a racial minority.

Lastly, the President of the CNDH emphasized the fact that although three Mexicans compatriots have been benefited by the commutation of the maximum penalty, it is not the last nor the only reason to express his recognition "above and beyond the criticism you may receive for this decision", expressed Dr. Soberanes Fernández, "please be assured Mr. Governor, that many persons and institutions in the United States and the world recognize and applaud the significance of your brave action, which once again brings to the forefront of the debate some of the great topics of justice, such as the proportionality between the crime and the sanction, and its relation with civility and the Human Rights, above all, in a country such as yours, where the tradition prevails to apply justice with violence. As for us, we defend a concept of justice wherein the law be applied firmly, but also with humanity and without revenge".

Commemoration with a Personalized Silver Medal for the President Of The CNDH.

On January 24, 2003, in the headquarters of the National Center for Human Rights of the Mexican National Commission for Human Rights, a ceremony was held in which Professor Paolo Grossi, Director of the Center of Studies for the History of Modern Legal

Thought of Florence, Italy, bestowed the personalized silver medal on the President of the Mexican National Commission for Human Rights, Dr. Jose Luis Soberanes Fernandez.

During the celebration of this event, Professor Paolo Grossi imparted the masterful conference "Charter of the Fundamental Rights" (Charter of Niza), with the attendance of Officials and personnel of the Mexican National Commission.

Special Report: Case of the Loxicha Region

Pertaining to the death of 13 persons, which occurred in August, 1996 in Santa Cruz, township of Santa María Huatulco, district of Pochutla, the Fourth Inspection of the CNDH issued a Special Report: "Case of the Loxicha Region." In it, the federal, state and municipal governments are requested to grant dialogue and political understanding and discard the armed way as a means for the solution of conflicts and social and political demands, independently of the legitimacy of these.

The CNDH exhorts the corresponding authorities so that they may study the merits of enacting an Amnesty Law which benefits the indigenous persons who participated in the acts and who remain imprisoned for a crime of a federal nature. In like manner, this Commission requests that the necessary investigations be made in order to integrate inquiries previously initiated and avoid the abuse of public servants which constitute violations to the human rights from remaining unpunished.

Also, in the report, it is pointed out that the situation of poverty and social retardation of the Loxicha Region reflect the lack of attention which this region of Oaxaca has suffered for decades on the part of public institutions.

Therefore, the Commission exhorts the governments to, besides making the necessary investigations of this case, promote the integral development and the support of the communities of the Loxicha Region, in order to consolidate social conditions of safety and the access to the jurisdiction of the State, so that the Human Rights of the inhabitants of that region may be respected.

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