



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

STATEMENT BY THE BAR HUMAN RIGHTS COMMITTEE OF ENGLAND AND WALES

On 4 December 2009, the Bar Human Rights Committee of England and Wales concluded a high-level international¹ delegation of human rights lawyers to Mexico.

The purpose of the delegation was to carry out an independent and impartial audit of the human rights situation in the state of Guerrero and Oaxaca; in particular, to assess access to justice, respect for the rule of law and the ability of lawyers and human rights defenders to exercise their vocation freely.

The Bar Human Rights Committee was encouraged by the co-operation of federal, state and municipal officials. Meetings were held with the Federal Ministry of Interior, the Federal Attorney-General's Office, the Supreme Court, the National Commission for Human Rights, and state and municipal officials in Guerrero and Oaxaca. The delegation also met with the Office of the UN High Commissioner for Human Rights, the British Embassy, and local lawyers and human rights defenders in Mexico City, Guerrero and Oaxaca. The delegation was disappointed that the Minister for Defence and the Federal Attorney-General were unable to attend a meeting and contribute to its findings.

Members of the delegation were encouraged by the positive commitments of the Mexican Republic to implement human rights policies. However, cultural and institutional obstacles within the justice and public security systems are undermining the government's ability to address human rights violations and impunity.

¹ Lawyers represented Canada, England, Germany, Ireland, the United States of America and Wales.

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The members of the delegation have serious concerns that the institutional failings at all levels are predominantly affecting members of Mexican society who are the poorest and most vulnerable, including the local indigenous population and human rights defenders. These concerns were evidenced by impunity in cases of alleged rape, forced disappearances, extra-judicial killings and torture. This is compounded by a failure to adequately investigate these matters by independent and impartial means. For example, Manuel Ponce Rosas and Raul Lucas Lucia, indigenous leaders, who were the victims of torture and extra-judicial killing. The delegation received information that investigating authorities have been slow to react and is concerned that their disappearance and execution may be associated with their work to promote the rights of Mixtec Indigenous peoples in the region.

The delegation recognises the need to combat the narcotics trade, however the use of the military to achieve this has resulted in cases of human rights abuses and impunity for military offenders. For example, the failure to bring the perpetrators to justice in the cases of Ines Fernández Ortega and Valentina Rosendo Cantú, allegedly raped by soldiers in 2002 and Bonfilio Rubio, allegedly killed in a military checkpoint in June 2009, signify that such impunity within the military makes local communities more vulnerable to human rights abuses.

The delegation also recognises that the use of the military jurisdiction in cases of human rights abuses committed by soldiers against civilians has been widely criticised and keenly anticipates the judgement of the Inter-American Court of Human Rights in the case of Rosendo Radilla. It is hoped that the judgement will address definitively the issue of military jurisdiction in Mexico.

The significant number of individuals who are the intended beneficiaries of precautionary and provisional measures issued by the Inter-American system for the protection of victims and human rights defenders in Guerrero and Oaxaca is evidence of a widespread problem. Inadequate implementation of these measures in addition to continued insecurity has disabled the proper functioning of organisations such as the Me'phaa Indigenous People's Organisation (OPIIM) and Tlachinollan in Guerrero, as well as members of the Santo Domingo Ixcatlan community in Oaxaca. The seriousness of this situation is illustrated by the closure of the Tlachinollan and the OPIIM offices in Ayulta. The delegation recommends that state and federal officials ensure the effective implementation of the measures issued by the Inter American system. The delegation reminds the Mexican government of its

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responsibility to protect human rights in accordance with its regional and international commitments.

Access to justice is a fundamental problem for Mexico in its efforts to protect human rights. A failure to prioritise limited resources, inadequate investigations, deficiencies in the number of translators for the indigenous population, corruption and bureaucracy have led to a lack of faith and mistrust in the justice system. For example, the delegation met with Raúl Hernandez in Ayutla, Guerrero, and with the lawyers of Juan Manuel Martinez in Oaxaca. These two cases tend to suggest a failure to have proper regard to the principles of due process within the criminal justice system and would highlight the need to professionalize standards within the police and judicial sector.

This delegation calls on the Mexican authorities to ensure the provision of thorough, impartial and timely investigations in order to bring to justice those implicated in human rights violations.

A full report of the delegations findings will be published early next year.

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Background:

The Bar Human Rights Committee of England and Wales is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial.

The Bar Human Rights Committee carried out the delegation between 30 November and 4 December 2009.

The delegation met with: Organization of Indigenous Mephaa Peoples (OPIM), Tlachinollan Human Rights Centre, Civil Monitor (MOCIPOL), Cedhapi, Consorcio, Educa, 25thNovember Committee, EDUCA, National Network All Rights for All, Augustin Pro Human Rights Centre, Mexican Commission for the Promotion and Defence of Human Rights.

Members of the delegation included: Nancy Allison (Canada), Sarah-Anne Barriault (Canada), Kay Bridger-Riley (USA), Nigel Dodds (UK), Cara Gibbons (Canada),

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Anna Green (UK), Adam Hiddleston (UK), Ajanta Kaza (UK), Jacqueline Macalesher (UK), John No (Canada), David Palmer (UK), Jasmina Prpic (Germany) and Rod Ramsden (UK).

For more information please contact BHRC in London, UK, on email: bhrc@compuserve.com