

" 1998: 50th Anniversary of the Universal Declaration of Human Rights"

Tijuana, B.C., August 27, 1998

Mrs. Mary Robinson

High Commissioner for Human Rights

Centre for Human Rights, United Nations Palais des Nations

1211 Geneva 10, Switzerland

Dear Mrs. Robinson:

I am strongly convinced that you represent a moral voice for victims of human rights violations and abuse of power. I am a victim of human rights violation and abuse of power. Surely, You think any human right is not down the line to others. Identically, any human right law's transgressor is not down the ethical line to others. By contrary, it is insignificant if on this hand the transgressor is a «smoking gentlemen», or in the other, is a rustic or hulk man. The whole world as entity, and each of our countries, in particular, are being urged to offer for theirs peoples and communities peace, security and laws protecting environment and human rights. As You know, is a crucial principle that all them working for defense on human rights are socially and ethically obligated to be as the best living example of women and men whom --in this regard--, are displaying their work and tasks with veneration and deferential.

Mrs. Robinson:

What happened if one man, who is part of your venerable office, are failing to respect with honor the human rights law and others?

What happened when the women and men whom are the main oblige to promote human rights education, not only are failing and go under, but transgressed the law?

This letter (simultaneously, I am sending You the original hard text by airmail ) describe about certain complaint filed by signatory in the Sixth District Federal Court in Tijuana. It is a testimony and denounce under oath. Its subject matter is a complex student's Habeas Corpus case vs. authorities's acts of El Colegio de la Frontera Norte (El Colef) and the Centro de Estudios Científicos y de Educación Superior de Ensenada (CICESE), Baja California. Both, are Research and Education's Centers, branches of the Scientific Mexican Sistem, headed by the National Council of Science & Technology (CONACYT). This three centers are public institutions, dependents of the Secretary of Public Education (SEP), executive branch of the Mexican federal government.

First, this case was considered in the Mexican Office of Human Rights National Commission (file CNDH/121/97/BC 5049) by his 2nd visitor in Mexico City. Later, the Sixth District Federal Court in Tijuana received and heard a complaint filed by myself. A Federal Judge ruled in favor of claimant who is student in an environmental management master degree which is sponsored in common by El Colef & CICESE. In July 28, 1997 the claimant was arbitrarily expelled and cut off from this master degree course because

he wrote and send to the El Colef's scholar council some letter containing critical viewpoints about evaluation system and certain academic course. The letter contents was taken erroneously as an attack for institution and the professor, who responded with other letter. Before they expel me, I had an interview with The El Colef's President, who rising his voice, He told me: « ¡ Your letter reach me and strike me! ». This facts occurred in his office in San Antonio del Mar in July 15, 1997 between 10:30 and 11:00 A.M.

Next, two weeks later, without let me to explain or heard for defense, the El Colef's President (Jorge Bustamante Fernández) and the persons of his Advisory Committee (named as Consejo Académico), expelled me from this center. Really, they imposed against me a sort of «capital punishment». Previously, They deprived me of all rights and any means for defense. In the academic life, this sanction is equivalent to a capital punishment. This excessive and unfounded sanction only was possible and took place in violations of 8th, 10th and 11(1)th of the Universal Declaration of Human Rights and 14th and 16th of the highest Mexican law, the Republic's General Constitution. Of course, They knew very well what's were doing: before sociologist, Mr. Jorge Bustamante is a lawyer from Universidad Nacional Autónoma de México.

For this reasons, the student Páez filed a complaint in Sixth Federal District Court in Tijuana ( file 690/97). In August 22, 1997 the Federal Judge ruled a restraint order vs. acts of Jorge Bustamante Fernández and his Advisory Committee. Only on this way, by the shelter hand of the Judge, I could come back to the El Colef. But newly, the authoritarianism showed his fierce face: «You are unwelcome ! » told me the internal guardians with gun on belt. Previously, they were ordered by the El Colef's President to stop me, closing and locking doors. The next ten days, the human rights lawyers from the governmental Procuraduría de Defensa de los Derechos Humanos y Protección Ciudadana and the non governmental organization (NGO) Centro Binacional de Derechos Humanos, sheltered me «hand to hand» and only in this way, I could to reach the classroom. This illegally acts from El Colef's employees took place despite I had in my hands the judge restraint order paper and showed it to the guardians whom explain: «Sorry, we only attend to Mr. Bustamante's order».

In February 11, the federal judge dictated a judicial decision against the El Colef's President and the persons of his Advisory Committee. The judge's ruling stated that Mr. Jorge Bustamante and all members of his Advisory Committee failed in adjust his acts to the constitutional law and requiring them to repair in favor of claimant. Requested for judge sentential, in April 8, 1998 the El Colef's Advisory Committee dictated new agreed abolishing his before decision against the claimant, ceasing in theory, all expels effects. In accordance with federal laws, they could have appealed, but not took them any measures to respect. Then, they not refused the judge sentential. Definitely, they fallen in human right law's violation, articles 14 and 16 of Mexican Constitution.

On this respect, is important to explain you that nobody never had seen rectification in El Colef's Advisory Committee about this matter in the past. Is the first time as long as fifteen years the El Colef's Advisory Committee rectify its decision upon student's

conflict. This is one of the first times a Federal Court knew and stopped this kind of abuse of power in academic institutions. It is too, one of the first experiences of this character as long as the Mexican history. Is only a little but providential sample of certain positives changes in the Mexican Federal Justice System. I think, this experience represent an open door and fresh air for protection and sheltering against authoritarianism, abuse of power and human rights violations from whom that seem are confused about the character of public education's institutions and their personal property.

Nevertheless, this is not complete history: the affair is more complex and grievous. Throughout the course of judgment, my lawyer detected and in January 8, 1998, I denounced to the Colef's President, Jorge Bustamante Fernández and two others first level El Colef's officers [Jorge Santibañez Romellón (El Colef's President from February 4, 1998 to date) and Vicente Sánchez Munguía], whom presumably presented apocryphal legal documents and lied to the judge. In accordance with Mexican federal laws, in march 1998 the judge called for another federal government agency ( known in Mexico as the Ministerio Público Federal) to investigate for possible criminal charges. A this time, this criminal process is in course. It is possible a federal judge call for them in next weeks. They should to prove truthfully and with consistency, that they never put upon the judge's hands apocryphal documents. In truth, this is a very serious ethical conflict. It is more serious as well as Mr. Bustamante was the El Colef's President, is Mexican Academy Human Right (AMDH) member and now is working in certain United Nation's technical commission about defense of migrant's human rights.

On the other hand, as long as year, in spite of the fact that a positive judge's sentential in February 11, 1998, the student Páez have been suffering many repressive actions. For example, he can't enjoy the normal rights of all students:

By contrary judge sentential, he have not received any pays for the CONACYT's scholarship to support his studies as long as 12 months. I am three children's father and this measures are not only against me, but my family too; is an attack of their quality of life, inhumane and criminal

No test examinations was scored for him in the El Colef & CICESE, despite the judge's restraint order in August, 1997 and the sentential in February 11, 1998. Let me tell you that previously, I was graduated by honors in a Jesuit's University in Tijuana and I got national award as one of the Best Students in Mexico.

His final research report --about tuna-dolphin controversy--, was not authorized for El Colef's officers, and now is in the judge's hands. I am author of a book about tuna-fish controversy, sponsored and edited by Mexican Congress and Environment Mexican Secretary (SEMARNAP), published in June, 1997.

Now, all the master degree's student of El Colef are going to graduate, but not the claimant. They wish nobody more attempt to filed complaint against his unlawful and reprobative acts. It is another discretional measures for punish me. I repeat: it take place despite the judge's sentential. New judge's ruling, waited in next week, could to call again for the Ministerio Público Federal, now for obstruct (this is, to impede, retard, or interfere with) federal justice.

All this facts are known by the CONACYT's General Director, Lic. Carlos Bazdresch Parada, who recently was required for the Federal Judge.

Mrs. Robinson, this affair look incredible, but in whole is true. I know that your experience and sensibility let you understand very well the meaningful of all this actions. On my personal viewpoint, this mean:

Human Rights Law violations and power abuse. In this case 8, 10 and 11(1) Universal Declaration' articles was violated and others of domestic law above listed, although this year the world commemorate the 50° Anniversary of the Universal Declaration of Human Rights.

Challenge to the judge's sentential and obstruct justice. It work against the necessity for account with a country based in laws, strong compromise from President, Ernesto Zedillo when he was in campaign and now in his National Development's Plan, 1995-2000. Democracy is weak if not fully absent. The crude authoritarianism describe here, claims an absolute obedience to authority, as against individual freedom. This actions are negating democracy, injury and hurt the intelligence in academic's community. As yet, nobody in El Colef know a formal summary of those rights and liberties considered essential to students in any University or in a research and education's center. Afterward fifteen year, recently (January, 1998), the professors and researchers corp., founded his own and independent professional association, despite Mr. Bustamante's strong opposition.

BASED ON all situations above described, with plenty respect for your WORK AND invest

I request you for:

Open an investigation about all facts here denounced and take the better measures to correct possible deviations of your personnel. If necessary, require to the Mexican President, Dr. Ernesto Zedillo for removing to Mr. Jorge Bustamante from current position dependent of the Office of United Nations High Commissioner of Human Rights. The President headquarters is addressing in Residencia Oficial de Los Pinos, Col. San Miguel Chapultepec 11850 México, D.F or Palacio Nacional, Centro 06067, México, D.F. Your counsel and solidarity for conclude this stage of my life with justice and fortify my hope and faith about the great importance on defense and protect human rights for all and always and for reach a better future. In this regard, my request is You send a letter to Public Education's Minister, Lic. Miguel Limón Rojas, urging him to put attention and procuring good solution for student Páez about this problem. The Minister headquarters is addressing in Donceles 89, Centro 06020 México, D.F.

I will appreciate your answer, attention and support. Thanks, in advance.

The claimant

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Note: Attached this letter you can find up the file Bolet-02. It contain some essential paragraphs of the judge's sentential. Please, double click on WORD icon for displaying text.

- ASOCIACIÓN ECOLÓGICA DE LA CAÑADA DE MADERO, SANTIAGO TLAUTLA Y ANEXAS.
- COACALCO, → PROBLEMA DE CONTAMINACIÓN AMBIENTAL
- CONSERVACIÓN HUMANA (PLAN DE MANEJO PARA LA RESERVA ECOLÓGICA Y CULTURAL DE HUIRICUTA) ANP.
- COOPERACIÓN AMBIENTAL DE AMÉRICA DEL NORTE (ACAAAN)
- CHIMALAPAS, → MADERAS DEL PUEBLO DEL SURESTE, A.C. - (ORDENAMIENTO ECOLÓGICO PARTICIPATIVO)

(58) -

- INFORMACIÓN HEMEROGRÁFICA DE ASUNTOS AMBIENTALES.