

DATE  
15/03/2010

Gobernador del Estado de Oaxaca  
Señor Ulises Ruiz Ortíz  
Carretera Oaxaca-Puerto Ángel, Km. 9.5,  
Santa María Coyotepec,  
Oaxaca C.P. 71254, Oaxaca, MEXICO

## Re: **Concerns regarding the case of lawyer Ms. Alba Cruz**

Dear Mr. Governor,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents around one million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law.

The CCBE writes to express its serious concerns over death threats received by Ms. Alba Cruz, lawyer of an Oaxacan political activist Juan Manuel Martínez, who was recently released from prison since the charges against him were baseless, and is in danger of being arrested and charged a second time with the same crime on the basis of the same evidence.

We have been informed that Ms. Alba Cruz has been attacked and threatened repeatedly. Since September 2009, her car has been tampered with three times, once by unscrewing her wheels, once by slashing the tyres; once another car crashed into it while it was parked. Twice another car crashed into hers while she was in it, but the drivers drove off. In August 2009, she received a text message saying, "you are on the list, bitch, you're next." (estas en la lista, perra y tu eres la siguiente). On 26 January 2010, she saw two men standing outside her office. Shortly afterwards she received a text message saying, "We've told you and that idiot... we are watching you, you are trash, stop it with your revolution or you'll be sorry." (ya te hablamos y le dijimos a ese pendejo ... los controlemos ustedes son vasura ya paren con su rebolucion o lamentaran[sic]). Alba Cruz filed a complaint about the threats and other security incidents, but has received no effective protection measures. The Inter-American Commission of Human Rights has called on the Mexican authorities to provide her with protection measures, but these have not been implemented.

The CCBE is alarmed by these facts which indicate a repressive environment for the exercise of the legal profession in Mexico.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

*Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be*

*threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

In view of the above, the CCBE expresses concern regarding Ms. Alba Cruz's situation, which we believe amounts to harassment for her work as lawyer, and urges the authorities to take immediate and effective steps to protect her and her relatives, and in general all threatened lawyers, in order to preserve the independence and integrity of the administration of justice, and to ensure that all attempts to discredit lawyers for the legitimate exercise of their professional duties are promptly and effectively stopped.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J.M. Davó-Fernández', written over a horizontal line.

JOSÉ-MARÍA DAVÓ-FERNÁNDEZ  
President