

President Felipe Calderón Hinojosa
The President of México
Palacio Nacional
Edificio 10, Planta Baja
Col. Centro, Deleg. Cuauhtémoc
C.P. 06067. México, Distrito Federal
México

Brussels, 19 April 2012

RE: Death threats against lawyer, Ms Alba Cruz

Your Excellency,

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 more than 1 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 is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its concerns over the situation of a lawyer and human rights defender, Ms Alba Cruz, who has been subjected to death threats and harassment.

Ms Cruz is a prominent human rights defender at the Mexican organisation Comité de Defensa Integral de Derechos Humanos Gobixha. She has been actively engaged in representing victims of torture and abuse which occurred in the Mexican state of Oaxaca in 2006.

The CCBE has been informed that on 30 March 2012, Ms Cruz was assaulted in her car while travelling from a meeting near Oaxaca when a truck with three men inside attempted to strike her vehicle. The CCBE has been also informed that on 13 and 14 April 2012, the lawyer received two intimidating text messages with death warnings.

The CCBE is concerned by the ongoing harassment of Ms Cruz, to which she has been subjected since 2010. The CCBE believes that this is due to her peaceful and legitimate work in defence of human rights activities in México, in particular the provision of legal advice. The CCBE has written to you on two occasions previously to express its concerns and insist that the authorities guarantee that human rights lawyers in México are able to conduct their professional duties without fear of reprisals and free of all restrictions (letters dated 15 March 2010 and 17 January 2011, respectively).

In 2007, the Inter-American Commission on Human Rights ordered México to provide Ms Cruz with protection measures. The government has then agreed with the lawyer on a number of steps to be taken. It appears, however, that no further action has been delivered by the authorities. Ms Cruz has not been granted any meaningful protection and no person has been found responsible or brought to justice for intimidating her. The CCBE is alarmed by these facts which indicate a repressive environment for the exercise of the legal profession in México.

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.

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

In view of the above, the CCBE urges you to take effective steps to ensure that the ongoing harassment of Ms Alba Cruz is thoroughly and impartially investigated and that those responsible are brought to justice. The CCBE also urges you to take all necessary measures to guarantee the security, physical and psychological integrity of Ms Cruz and that all human rights defenders in México are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including harassment, intimidation, threats and character defamation, in order to preserve the independence and integrity of the administration of justice and ensure that all attempts to discredit lawyers for the legitimate exercise of their professional duties are promptly and effectively stopped.

Yours sincerely,



Marcella PRUNBAUER-GLASER

CCBE President