

Mexico City, October 20th, 2008

**Office of the High Commissioner
for Human Rights, United Nations**

**Members of the Working
Group on arbitrary detention.**

Ms. Manuela Carmena Castrillo | Chairperson-Rapporteur
Mr. Malick El Hadji Sow | Vice-Chairperson

Respectable members of the Working Group on Arbitrary Detention.

We come with all due respect to this international organism to seek its intervention and denouncing what is happening to us in our country. We have prepared carefully and with the utmost respect the following complaint according to the manual provided by the Organization of the United Nations.

We want to do the correct things, through the correct ways.

Miguel Ángel Ortiz Toriello

María Guadalupe Toriello de Ortiz

Sergio Fernando Ortiz Toriello

IDENTITY:

>Family name: Ortiz Juarez

>First name: Sergio

>Sex: Male

>Birth date, or age at the time of detention: December 4th 1945, 62 years.

>Nationality: Mexican

- >Identity document: Social Security Card
- >Issued by: Instituto Mexicano del Seguro Social (Mexican Institute of Social Security)
- >On: April 2006
- >No. 1162431592-2
- >Profession and/or activity: Retired
- >Address of usual residence: xxxxx

DETENTION:

- >Date of detention: August 22th 2008
- >Duration of detention: 60 days
- >Forces holding the detainee under custody: Procuraduria General de Justicia del Distrito Federal (Federal District Attorney General's Office)
- >Place of detention (Indicate any transfer and present place of detention): Regional General Hospital No. 2 Mexico D.F.
- >Authorities that ordered the detention: Procuraduria General de Justicia del D.F. (Federal District Attorney General's Office)
- >Reasons for the detention imputed by the authorities: Suspected of kidnapping
- >Relevant legislation applied (if known): Yes

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

Adopted by General Assembly resolution 43/173 of 9 December 1988

Scope of the Body of Principles

These principles apply for the protection of all persons under any form of detention or imprisonment.

Principle 36

1. A detained person suspected of or charged with a criminal offence shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

Code of Conduct for Law Enforcement Officials

Adopted by General Assembly resolution 34/169 of 17 December 1979

Article 1

Law enforcement officials shall at all times fulfill the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Commentary :

By the nature of their duties, law enforcement officials obtain information which may relate to private lives or be potentially harmful to the interests, and especially the reputation, of others. Great care should be exercised in safeguarding and using such information, which should be disclosed only in the performance of duty or to serve the needs of justice. Any disclosure of such information for other purposes is wholly improper.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Commentary :

(a) Any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within their agencies.

Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Adopted by General Assembly resolution 40/34 of 29 November 1985

A. Victims of crime

1. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

Access to justice and fair treatment

4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:

(b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;

(d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

B. Victims of abuse of power

18. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute

violations of national criminal laws but of internationally recognized norms relating to human rights.

19. States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation, and necessary material, medical, psychological and social assistance and support.

20. States should consider negotiating multilateral international treaties relating to victims, as defined in paragraph 18.

21. States should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances, should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of political or economic power, as well as promoting policies and mechanisms for the prevention of such acts, and should develop and make readily available appropriate rights and remedies for victims of such acts.

>Describe the circumstances of the arrest and/or the detention and indicate precise reasons why you consider the arrest or detention to be arbitrary:

NARRATION:

>>On **June 4** the son of a prominent businessman named **Alejandro Marti** was kidnapped, and after several days and a ransom were paid, the child was murdered. ([Info here](#)). The case upset all of Mexico ([Info here](#)) and in view of its tragic nature and prominence on **August 21, 2008**, Mexican President **Felipe Calderon Hinojosa** convened the **National Counsel on Public Safety**, and signed a 74-point **National Security Resolution**. ([Info here](#))

At the meeting, **addressing the President of Mexico, the Mexico City Mayor, and the Members of the National Counsel on Public Safety, Alejandro Marti issued an ultimatum to all the functionaries that “If you can’t do your job, quit, but don’t stay in office, don’t go on collecting a salary for doing nothing, because that’s just another form of corruption”** ([Info here](#)) and ([here video](#)). In response, Mexico City Mayor **Marcelo Ebrard, accepted Alejandro Marti’s challenge, agreeing to resign if he cannot get results in the area of security within a set period,** ([Info here](#))

The next day, on **August 22, 2008**, my father was shot three times in an attempt to murder him and was taken to General Regional Hospital No 2, where he remained within an inch of his life.

A day later, on **August 23**, some 25 police officers searched my parents' house, taking away various items, among them a laptop belonging to my father and family photographs.

On **September 8, 2008**, Mexico City Attorney General **Miguel Angel Mancera Espinosa** identified Sergio Humberto Ortiz Juarez (My father) to the media as the leader of the gang that kidnapped and murdered the son of businessman Alejandro Marti, **announcing false evidence** found on my father's computer as well as other claims that have been propagated in the case; for example, one of these is that when my brother and I sought to defend our father through statements to the media, my brother, **Miguel Angel Ortiz Toriello**, also started to be targeted by false accusations seeking to tie him to Tepito drug trafficking groups ([Info here](#)) in an attempt to silence us in response to our efforts to rally public opinion in our father's defense, but **they stopped abruptly** on learning of **Miguel Angel's** impeccable reputation to which hundreds of students can attest, having seen him as a daily fixture in the halls of the university where he has spent more than the customary eight hours a day, Monday through Friday, for the slightly more than nine years he has worked there at the young age of 33 years, having already received his bachelor's degree in international relations from Anahuac University, a master's degree in marketing and business administration on a full scholarship from the same university where he studies as an undergraduate, and receiving honorable mention for having the highest average in the master's degree program, post-graduate courses at the ITAM and the IPADE (Pan-American Institute of Corporate Management) cataloged as one of the world's leading institutions on account of its ethical and moral impact on companies, etc... (His full résumé can be consulted ([Here](#)))

Going back in time, before the attempt on my father's life, on **July 17, 2008** (35 days before the shooting) **he was held up at gunpoint by two assailants** who stole 10 thousand pesos he had just withdrawn from Bancomer; the same day he went to the district attorney's office with my mother and filed police report FTL/TLP-4T3/01280/08-07 ([See here](#))

Later, he received a citation from the Federal District Attorney General Office to appear on **July 24** to add to his statement and give a spoken portrait of his assailants by means of an official notice designating an expert in drawing to identify them. ([See here](#)) y ([See here](#))

Subsequently, before the hearing of July 24, **my father called me deeply concerned because he had received a phone call from the individuals who had robbed him** telling him that he was going to "get what was coming to him for acting all brave and filing a report" and that they were part of a "brotherhood with eyes and ears everywhere", that they had all his identifications and knew exactly where to find him.

A few weeks after, on **August 22, he was shot** by two individuals riding a motorcycle **AT THE SAME CORNER WHERE HE WAS ROBBED**, at Av. Acoxta and Prolongacion Division del Norte, with three shots aiming to kill him as he sat in his VW Derby waiting for the traffic light to change. Two shots struck him in the neck and the arm, and the other entered his lung.

Miguel Angel Ortiz Toriello, Maria Guadalupe Ortiz Toriello, and Sergio Fernando Ortiz Toriello, we appear at this time, with all due respect, to denounce the following:

VIOLATIONS OF THE INTERNATIONAL LAWS CITED

General Assembly resolution 53/144 (A/RES/53/144), 8 March 1999

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world.

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights Resolution 2200 A (XXI), annex. as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfill, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfill this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

Adopted by General Assembly resolution 43/173 of 9 December 1988

Scope of the Body of Principles

These principles apply for the protection of all persons under any form of detention or imprisonment.

Principle 36

1. A detained person suspected of or charged with a criminal offence shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

>>Sergio Humberto Ortiz Juarez has been PUBLICLY identified, in graphic, electronic, and television media as guilty before having been arraigned before a judge and without so much as making a statement. (See [video Gov_promo attached showed at TV just few days after the “catch”-TV attach-](#))

Code of Conduct for Law Enforcement Officials

Adopted by General Assembly resolution 34/169 of 17 December 1979

Article 1

Law enforcement officials shall at all times fulfill the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Commentary :

(a) The term "law enforcement officials", includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.

(b) In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.

(c) Service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid.

(d) This provision is intended to cover not only all violent, predatory and harmful acts, but extends to the full range of prohibitions under penal statutes. It extends to conduct by persons not capable of incurring criminal liability.

>>The Federal District Attorney General Office, headed by Attorney General Miguel Angel Mancera Espinosa, **is fabricating false evidence** against Sergio Humberto Ortiz Juarez to settle a case that Mayor Marcelo Ebrard Casaubon promised to resolve within a set period or resign from his post in response to the ultimatum given by Alejandro Marti. **“If you can’t do your job, quit, but don’t stay in office, don’t go on collecting a salary for doing nothing, because that’s just another form of corruption”** ([Info here](#)) and ([Here video](#))

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Commentary :

(a) The human rights in question are identified and protected by national and international law. Among the relevant international instruments are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid , the Convention on the Prevention and Punishment of the Crime of Genocide, the Standard Minimum Rules for the Treatment of Prisoners and the Vienna Convention on Consular Relations.

(b) National commentaries to this provision should indicate regional or national provisions identifying and protecting these rights.

>>The Federal District Attorney General's Office, headed by Attorney General Miguel Angel Mancera Espinosa, in graphic, electronic, and television media, began to publicly accuse Miguel Angel Ortiz Toriello (My brother) of being a drug trafficker when we started to speak out in the media with regard to the innocence of our father, Sergio Humberto Ortiz Juarez, and the possible criminal conduct of the Federal District Attorney General's Office, headed by Attorney General Miguel Angel Mancera Espinosa. ([Info here](#))

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Commentary :

By the nature of their duties, law enforcement officials obtain information which may relate to private lives or be potentially harmful to the interests, and especially the reputation, of others. Great care should be exercised in safeguarding and using such information, which should be disclosed only in the performance of duty or to serve the needs of justice. Any disclosure of such information for other purposes is wholly improper.

>>The Federal District Attorney General Office, headed by Attorney General Miguel Angel Mancera Espinosa, provided the news media with one of the family photographs that were seized in the search of the home of my parents, Sergio Humberto Ortiz Juarez and Maria Guadalupe Toriello de Ortiz, the day after my father was shot, August 23, 2008, and some media organs proceeded to show the faces of his family members, specifically **Miguel Angel Ortiz Toriello**, **Maria Guadalupe Ortiz Toriello**, and myself, **Sergio Fernando Ortiz Toriello**, exposing our safety and life to the indignation of society in response to this particular case, and directly harming our reputation, with the resultant consequences.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Commentary :

(a) Any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within their agencies.

>>The local government, under Mayor Marcelo Ebrard Casaubon, and the Federal District Attorney General's Office, headed by Attorney General Miguel Angel Mancera Espinosa, are incurring in acts of corruption and abuse of authority by issuing orders for the Attorney General Office to falsify a supposed attempted communication in which Sergio Fernando Ortiz Toriello replied to the letters requesting the mayor's assistance, dated September 1 and September 8, 2008 ([See here](#)) and ([See here](#)) delivering it to the residence of my parents, Sergio Humberto Ortiz Juarez and Maria Guadalupe Toriello de Ortiz 47 (FORTY-SEVEN) days after the date of the first letter requesting the assistance of mayor Marcelo Ebrard Casaubon and denouncing the actions of the Federal District Attorney General's Office, respectively (September 1 and September 8, 2008) with dates on both documents supposedly answering the letters requesting aid and denouncing the actions of the Federal District Attorney General's Office of September 12th and September 11th, 2008, revealing the fraudulent intent in the errors made in dating the letters, on supposedly responding to the letter requesting aid of September 1, with Official Notice No. 101.114/RLSF/08 of September 12, and supposedly responding to the letter of September 8 with Official Notice No. 101.113/RLSF/08 of September 11, 2008, which – I repeat – reveal fraudulent intent in supposedly responding to a letter of an earlier date, i.e. September 1, with a notice of a later date, i.e. September 12, and the letter of September 8 with the notice of September 11, and moreover deceiving my mother by making her sign both letters in acknowledgement of receipt on October 8, 2008.

On the morning of September 12, 2008, my mother received a telephone call at her home, as the Attorney General Office relates in Official Notices No. 101.114/RLSF/08 of September 12 and 101.113/RLSF/08 of September 11, 2008, citing her to appear the same day at 11:00 AM

My mother appeared the same day to make her statement as the Federal District Attorney General Office had instructed her, as shown in the following citation and statement without having received any instructions to speak with anyone at the Attorney General's Office "To attend to her and hear her concerns in order to provide her the assistance requested in her statement to the Mayor" as mentioned in Official Notices No. 101.114/RLSF/08 of September 12 and No. 101.113/RLSF/08 of September 11, 2008 ([See here](#))

These replies from the Federal District Attorney General's Office were delivered to my mother, Maria Guadalupe Toriello de Ortiz, at my parents' home, and signed

acknowledging receipt on October 8, 2008, as I have mentioned, and we thought the Attorney General's Office's intention was to disclaim responsibility, or even as part of a broader plan, given that the notices were delivered the day after I posted on my blog www.sergioortizjuarez.com a response which, due to its nature and the present situation in Mexico, puts my life at great risk, and – I repeat – we thought the reason for delivering the notices the following day was to DISCLAIM RESPONSIBILITY, OR EVEN AS PART OF A BROADER PLAN.

(Transcription of the reply mentioned made at the blog, comment #244)

>>Raul (Raul is the person to who I answered his comment), I am sincerely grateful for your help in our efforts not only to defend our father from baseless accusations of which we KNOW, we don't just believe, of which he is entirely innocent.

However, I can see – with great finesse, I must admit – a certain tendency to minimize and discredit the work we are doing not just to defend our father but also to make our society aware that its institutions (attorney general's office, district attorneys, courts, etc.) do not belong to those who hold power, and therefore they cannot, and we must not allow them to, use those institutions to perpetuate their own power, as is occurring in this case in particular where, lest we forget, both the attorney general and the mayor were given a deadline by Mr. Marti to show results or resign, which I transcribe: "If you can't do your job, quit, but don't stay in office, don't go on collecting a salary for doing nothing, because that's just another form of corruption," which he emphasized at the meeting of the National Counsel on Public Safety.

Another of the messages and reasons why we are making this extenuating effort is to show our beloved country that there are ways and means to make things happen, and I repeat, SO THAT THE PEOPLE IN POWER DO NOT USE INSTITUTIONS TO PERPETUATE THEIR OWN POWER, BUT TO SERVE THE PEOPLE, NOT TO ABUSE IT AS THEY ARE DOING BY FABRICATING FALSE PROOF as they started to do with my brother, Miguel Angel, in seeking to tie him to Tepito drug traffickers when we took our defense of my father into the streets and before the court of public opinion, but stopped abruptly on learning of his impeccable reputation to which hundreds of students can attest, having seen him as a daily fixture in the halls of the university where he has spent more than the customary eight hours a day, Monday through Friday, for the slightly more than nine years he has worked there at the young age of 33 years, having already received his bachelor's degree in international relations from Anahuac University, a master's degree in marketing and business administration on a full scholarship from the same university where he studies as an undergraduate, and receiving honorable mention for having the highest average in the master's degree program, post-graduate courses at the ITAM and the IPADE (Pan-American Institute of Corporate Management) cataloged as one of the world's leading institutions on account of its ethical and moral impact on companies, etc... (His full résumé can be consulted [\(Here\)](#))

Why don't they point the finger at him as they had started to do now that more than 200 of his students have signed a petition vouching for his ethical and moral standing? And lest we forget, they went so far as to produce a "PROTECTED WITNESS" testifying that my brother supposedly accompanied my father on supposed trips to Tepito to commercialize drugs"

Why did the attacks stop so abruptly? Because they realized it would be nigh impossible to make their false accusations stick, but with my father, having been a police officer, which was his great sin in the eyes of his executors, it is fairly "easy" to piece together a story of this kind, and I put easy in quotation marks because we know there are tools to STOP LETTING THEM get away with doing as they please and mismanaging our country's institutions, WHICH BELONG TO US ALL AS MEXICANS!

The modern communications age we live in has removed practically all the limitations on our playing a more active role in the exercise of power and in institutions in our country, and although right now we are only three persons fighting an exhausting battle against an imposing official apparatus, we are confident that with the participation of other people who are eager and willing to learn, as well as many others who feel that this is the time for Mexico to awake, we can bring about, not a revolution but a transformation, INTERNAL IN PRINCIPLE, and as a logical result and consequence, of our nation.

And these are not jus high sounding words that came to me a few months ago or hollow verses; I also have spent years preparing for this moment, as you can see ([Here](#))

Mr. Raul, you say that: "With great sadness and admiration I read many of the comments, blaming the police for having grounds to suspect Mr. Ortiz," that "Neither Mayor Marcelo Ebrard nor his Attorney General will pass judgment on Sergio". Kind sir, with all due respect, it is clear that you either are unfamiliar with the case or you have logged onto my blog with a clear agenda behind your remarks, like those about the SUV and Jardines de la Montaña, in an attempt to convince people that the SUV belonged to my parents and that they lived there. I'm afraid nothing I can say will suffice to explain something to you that may not even interest you, or perhaps you have no intention to see; I only want to remind you that my father has not even been allowed to make a statement, no charges have been filed, and the city government, among other things, has already run a spot declaring my father guilty. Among many other points, as I have said isn't that getting one step ahead of a trial?

To conclude, appreciable Mr. Raul, with regard to the distant parallel you seek to draw: (Transcribing his text) "but remember that Daniel Arizmendi Lopez, better known as the "*Mocha Orejas*" lived as a pauper, and it was only because of his brother's accusations that the police were able to find the house where he stashed all the money and gold coins he had amassed as the product of his kidnapping venture." I should also remind you that it's been several days since the Attorney General's Office announced to an expectant society that they had conclusive proofs and would present them ; in the interim, we've had the incident of the

decapitated persons and the regrettable lamentable grenade attack in Morelia, and to date they have kept silent about the case and failed to present the conclusive proofs that society is waiting for, which is why my brother Miguel Angel is insisting in his demands.

So, with so much time, with the apparatus at their disposal, with the financial and political interests involved, and with a strong injection of money into the case, we thought they would have no difficulty inventing or manufacturing something incriminating against our father. But... with all my heart and faith I say to them now, Do your worst! Mexico has awoken already!

Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

Commentary :

(a) This Code shall be observed whenever it has been incorporated into national legislation or practice. If legislation or practice contains stricter provisions than those of the present Code, those stricter provisions shall be observed.

(b) The article seeks to preserve the balance between the need for internal discipline of the agency on which public safety is largely dependent, on the one hand, and the need for dealing with violations of basic human rights, on the other. Law enforcement officials shall report violations within the chain of command and take other lawful action outside the chain of command only when no other remedies are available or effective. It is understood that law enforcement officials shall not suffer administrative or other penalties because they have reported that a violation of this Code has occurred or is about to occur.

(c) The term "appropriate authorities or organs vested with reviewing or remedial power" refers to any authority or organ existing under national law, whether internal to the law enforcement agency or independent thereof, with statutory, customary or other power to review grievances and complaints arising out of violations within the purview of this Code.

(d) In some countries, the mass media may be regarded as performing complaint review functions similar to those described in subparagraph (c) above. Law enforcement officials may, therefore, be justified if, as a last resort and in accordance with the laws and customs of their own countries and with the provisions of article 4 of the present Code, they bring violations to the attention of public opinion through the mass media.

(e) Law enforcement officials who comply with the provisions of this Code deserve the respect, the full support and the co-operation of the community and of the law enforcement agency in which they serve, as well as the law enforcement profession.

>>On October 2, 2008, I, Sergio Fernando Ortiz Toriello, wrote another letter to Mexico City Mayor **Marcelo Ebrard Casaubon** explaining that he and the Attorney General **Miguel Ángel Mancera Espinosa** may be the victims of deceit, giving them a vote of confidence to which I have received no reply.
([Info here](#))

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Adopted by General Assembly resolution 40/34 of 29 November 1985

A. Victims of crime

1. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

>>My father, Sergio Humberto Ortiz Juarez was the victim of an attempted homicide for reporting a robbery to the Federal District Attorney General's Office, having previously received a death threat from his assailants on learning that he had filed a report. Because the facts of the matter compromise and impute direct responsibility to the Federal District Attorney General's Office and the local government, including both Attorney General Miguel Angel Mancera Espinosa and Mayor Marcelo Ebrard Casaubon, they have concealed the information that has been brought to their attention and have concentrated their efforts solely on assembling a case file for an eventual arraignment favorable to their interest in resolving the case, having promised to either resolve it in a specific period of time or resign.

Access to justice and fair treatment

4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:

(b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;

>>In statements made to the Federal District Attorney General Office my mother **Maria Guadalupe Toriello de Ortiz** said that my father **Sergio Humberto Ortiz Juarez** on the day he suffered the attack he was coming from seen with some people that a doctor named **Leticia Rodriguez** recommended to him for rent a commercial premise property from my father. Contrary to what the Attorney General **Miguel Angel Mancera Espinosa** publicly stated who said that my father that day of the attack he was coming from meet with his alleged gang of kidnappers. To date that doctor has not been summoned to testify, neither the two ladies with whom he was minutes before the attack, even that my mother provided in her statements on where to locate the doctor. This is because it don't goes with the history that the Federal District Attorney General's Office is inventing.

(d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

>>The Federal District Attorney General Office exposed at great risk our security by publishing a family photo and where we are known throughout society as criminals have been done even without a trial and involving third parties: My mother **Maria Guadalupe Ortiz Toriello**, my brother **Miguel Angel Ortiz Toriello** and who is writing **Sergio Fernando Ortiz Toriello**. Moreover the Federal District Attorney General Office not only have not protected ourselves as relatives of a victim, but to be carried out the act of intimidation to try to manufacture my brother forged links with drugs trafficking. ([Info here](#))

B. Victims of abuse of power

18. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.

19. States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation, and necessary material, medical, psychological and social assistance and support.

20. States should consider negotiating multilateral international treaties relating to victims, as defined in paragraph 18.

21. States should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances, should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of political or economic power,

as well as promoting policies and mechanisms for the prevention of such acts, and should develop and make readily available appropriate rights and remedies for victims of such acts.

>>On September 1st and September 8, I, **Sergio Fernando Ortiz Toriello**, went to the Federal Government of the United Mexican States by the Constitutional President Felipe Calderón Hinojosa asking for help and denouncing the abuse of power was discussed without even the date received any reply.

>Indicate internal steps, including domestic remedies, taken especially with the legal and administrative authorities, particularly for the purpose of establishing the detention and, as appropriate, their results or the reasons why such steps or remedies were ineffective or why they were not taken.

>>My father **Sergio Humberto Ortiz Juarez** was assaulted on July 17th, 2008 when he were leaving the bank and that same day he went with my mother **Maria Guadalupe Toriello de Ortiz** to submit his formal complaint to the Federal District Attorney General Office, and he was given a new appointment for do a portrait of the assailants, days after that the assailants had already learned that he submitted his complaint and threatened him with death by telephone and then weeks latter he was attempted murder . Confronting this situation and distrusting about the Federal District Attorney General Office I, **Sergio Fernando Ortiz Toriello**, went to submitted a letter to the President of Mexico **Felipe Calderon Hinojosa** and to the Mexico City Attorney General **Miguel Angel Mancera Espinosa** without receiving any support, but contrariwise. In statements that my mother **María Guadalupe Toriello de Ortiz** have done when she was summoned to testify she has given information and data that could lead to clarification of what happened to my father **Sergio Humberto Ortiz Juarez** but the Federal District Attorney General Office has directed their investigations only to tend to blame my father **Sergio Humberto Ortiz Juarez** of the case that they pledged to resolve within a given time or who publicly pledged to resign.

>>On August 26th of 2008 my brother Miguel Ángel Ortiz Toriello recurred to the local Human Rights Commission to let them know about the circumstances. (**See attachment #2**)

>>On September 1st and September 8th, I, Sergio Fernando Ortiz Toriello, recurred to the Mexican Federal Government, led by President Felipe Calderon Hinojosa, seeking assistance and denouncing the abuse of authority I have described herein, without having received any reply to date. (**See attachment #3**)

(**Attachment #4**) Warrant for another 30 days notice of rootedness.

For all the above is why we come to ask for help by complaining before this respectable international organism about what is happening in our country.

>Full name and address of the person(s) submitting the information (Telephone and fax number, if possible:

>>Miguel Angel Ortiz Toriello

>>Maria Guadalupe Toriello de Ortiz

>>Sergio Fernando Ortiz Toriello

Date:Oct 20th 2008.....

(Written on October 10th, it took us some days to translate the documents, sort the attachments, and subtitle the video)