

Maria Inamagua Campaign for Justice

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Enforce the Human Rights Treaties!

Justice for Maria! Justice for All!

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UN Human Rights Committee's Final Report on US Human Rights Treaty Compliance and the United States' Response Lend Support to Pending Request for Federal Investigation into the Death of Maria Inamagua

Background: *The Maria Inamagua Campaign for Justice* believes and has advocated publicly that implementation of the Human Rights Treaties, including the International Covenant on Civil and Political Rights (ICCPR), is the swiftest and clearest path to assure that what happened to Maria Inamagua in Ramsey County Jail does not happen to anyone ever again.

As a consequence, the *Campaign* has recently asked the Inspector General of the Department of Homeland Security to conduct an expeditious, independent and thorough investigation into the death of Ms. Inamagua, assessing compliance with, among other standards, those created by the Human Rights Treaties. At this time, the request is pending with the Office of Inspector General. [Contact info: Richard L. Skinner, Inspector General, Office of the Inspector General, Department of Homeland Security, Washington, D.C. 20528; DHSOIGHOTLINE@dhs.gov; FAX: 202-254-4292.]

New Developments: In this context, the *Maria Inamagua Campaign for Justice* welcomes two confirming documents issued today, July 28, 2006:

1) the UN's Human Rights Committee's concluding observations and recommendations (Final Report) regarding the United States' self-reported compliance with the International Covenant on Civil and Political Rights (ICCPR) (<http://www.ohchr.org/english/bodies/hrc/docs/AdvanceDocs/CCPR.C.USA.CO.pdf>) and

2) the United States' official response to the Committee's Final Report (<http://www.usmission.ch/Press2006/0728ICCPR.html>)

While the Maria Inamagua case arose too late to be specifically addressed by the UN Human Rights Committee, the case was raised in the course of a briefing session with Committee members and the *Maria Inamagua Campaign for Justice* notes several specific portions of the Committee's Final Report and the United States' response that support the *Campaign's* pending request to the Office of Inspector General for the Department of Homeland Security for an expeditious, independent, and thorough human rights investigation of the death of Maria Inamagua while in the custody of Ramsey County Jail.

1. Regarding implementation of the Covenant at the state level, the Committee stated its regret that the United States had provided only limited information on the implementation of the Covenant (Paragraph 4) and requested that the United States include in its next periodic report information on the "practical implementation of the Covenant, the difficulties encountered in this regard, and the implementation of the covenant at the state level." Paragraph 39.

The Maria Inamagua case, the requested investigation, and the information developed during it could be used as Exhibit A for documenting United States' response to the Committee's request for information on the "practical implementation of the Covenant, the difficulties encountered in

this regard, and the implementation of the covenant at the state level.”

2. Regarding Covenant protections for persons in detention (Article 10), the Committee recommended in relevant part:

The [United States] should scrutinize conditions of detention in prisons . . . with a view to guaranteeing that persons deprived of their liberty be treated in accordance with the requirements of article 10 of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners. Paragraph 32.

What better way to begin fulfilling this recommendation than to undertake the requested investigation? What better way for the United States to show disregard for the Committee’s recommendation and the Covenant than to refuse to undertake the requested investigation?

3. In its July 28, 2006 response to the Committee’s Report, the United States emphasized the importance of the Covenant, stating:

The Covenant sets out a comprehensive body of *core human rights protections* that are cherished by all people in all countries. We believe it is the single most important human rights instrument adopted since the founding of the UN, and we are honored to consult with the Committee about it.

4. In its response to the Committee’s Report, the United States acknowledged that the International Covenant for the Protection of Civil and Political Rights was a treaty and that it applies in the national territory of the United States. Since Ramsey County Jail is within the territory of the United States, the US official response clarifies for any who did not know or doubted it that the Covenant is a treaty and that its provisions (obligations and protections) extend to operations within Ramsey County Jail.

5. The United States also stated that the goal of its self-reporting had been to

. . . to detail for the Committee how the rights reflected in the Covenant are cherished by the American people and are protected under U.S. law and by U.S. institutions.

What better way to demonstrate how the rights reflected in the Covenant are cherished by the American people and truly protected by U.S. institutions than to conduct the requested investigation?

6. In concluding recommendations, the Committee encouraged the United States to provide in its next comprehensive self-report

. . . more detailed information on the adoption of effective mechanisms to ensure that new and existing legislation, at federal and state level, is in compliance with the Covenant, and about mechanisms adopted to ensure proper follow-up of the committee’s concluding observations.

Conclusion: In the context of these public developments confirming the United States’ obligation to implement the International Covenant on Civil and Political Rights (and by implication all the other Human Rights Treaties) throughout the United States (including Ramsey County), the *Maria Inamagua Campaign for Justice* renews its request to the Inspector General for the Department of Homeland Security for a thorough human rights investigation into the death of Maria Inamagua.

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