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Mother of Slain Children Takes Case to International Tribunal – ACLU Files First-Ever Domestic Violence Complaint with Inter- American Commission on Human Rights

NEW YORK – The American Civil Liberties Union today filed a petition with the Inter-American Commission on Human Rights (IACHR) on behalf of Jessica Gonzales, the mother of three girls killed by her estranged husband whose domestic violence protection claims were rejected by the U.S. Supreme Court. The petition, the first of its kind, asserts that domestic violence victims have the right to be protected by the state from the violent acts of their abusers.

In June 2005, the U.S. Supreme Court ruled against Gonzales when it found that the Constitution does not recognize an entitlement by domestic violence victims to enforcement of their protective orders.

“Jessica Gonzales’ quest for justice met a dead end at the U.S. Supreme Court,” said Caroline Bettinger-Lopez, an attorney with the ACLU Women’s Rights Project. “She suffered devastating harm as a result of police inaction and if the U.S. Supreme Court won’t hear her case on the merits, we will bring it to the international community. The police department’s failure to protect the lives of Jessica’s three young daughters should be internationally condemned.”

Gonzales is a Colorado woman whose three children were brutally murdered by her estranged husband when local police refused to enforce her restraining order. She repeatedly called the police, telling them of her fears for the safety of her daughters and guiding them to the girls’ location. The police failed to respond and several hours later all three children were shot and killed by their father, the abductor, against whom Gonzales had a restraining order.

The ACLU said that its concern is not limited to the specific Gonzales case. It extends more broadly to all victims of domestic violence who are not adequately protected by law enforcement. This case is the first individual complaint against the United States brought before any international human rights body for the violation of the rights of victims of domestic violence.

The ACLU petition seeks compensation for the violation of Gonzales’ rights, adoption by the United States of necessary measures to deter the commission of similar crimes, and an advisory opinion from the Inter-American Court of Human Rights on the obligations of the United States under international law to protect victims of domestic violence.

The Inter-American Commission on Human Rights was created in 1959 and is expressly authorized to examine allegations of human rights violations by members of the Organization of American States, which include the United States. It also carries out on-site visits to observe the general human rights situations in all 35 member states of the Organization of American States and to investigate specific allegations of violations of Inter-American human rights treaties. Its charge is to promote the observance and the defense of human rights in the Americas.

Gonzales is represented by Bettinger-Lopez, Emily Martin and Lenora Lapidus of the ACLU Women's Rights Project and Ann Beeson and Steven Watt of the ACLU Human Rights Working Group.

The ACLU's petition in *Gonzales v. USA* is available online at:
www.aclu.org/womensrights/gen/23227lgl20051223.html

More information about Jessica Gonzales' Supreme Court case is available online at:
www.aclu.org/scotus/2004/20919res2005021504278/20919res20050215.html