

NEWS LETTER

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CONDOLENCES

Dr. José Luis Soberanes Fernandez, President of the National Commission of Human Rights in Mexico and Ambassador Salvador Campos Icardo, Executive Secretary of this Commission, regret to inform you of the death of our beloved co-worker and friend, Laura Elena Sanabria Miravete who passed away on October 7th of the current year. She was in charge of the elaboration and distribution of this publication "Newsletter", work which was performed by Laura diligently and efficiently.

Laura shall remain in our memory due to her human values and to the excellent performance of her work in this publication.

The ones who must now continue doing the work that Laura was in charge of, shall do it taking into account the example and willpower she left us.

RECOMENDATIONS

Recommendation 23/2005

October 3 rd , 2005

Case: Appeal submitted by Gregorio Vanegas Garza and others.

Addressee Authority : Constitutional Government of the State of Nuevo León .

The National Commission received the appeal submitted by Gregorio Vanegas Garza and others, due to lack of acceptance of the Recommendation issued by the Commission of Human Rights of Nuevo León, on the part of the General Attorney's Office of said federative entity. In the written document submitted before the State Commission, the complainants stated that they filed a complaint before the above-mentioned Attorney's Office, against the General Director of the Water and Drainage Services Company in Monterrey , due an excessive collect for services for the amount of \$40,000,000.00. However, they were notified of a resolution indicating that said collect had been an administrative mistake, so that there was no crime to be prosecuted, and a refund to the affected users was agreed upon. The State Commission sent the Attorney's Office a Recommendation, which was not accepted by said authority. Once the breach of due legal process and judicial safety rights, provided by several legal provisions was proved, as well as the lack of fast, complete and due justice, the National Commission issued Recommendation

23/2005, addressed to the Constitutional Governor of the State of Nuevo León , to order whom it may concern for the purpose of fulfilling Recommendation 161/03, as soon as possible. This Recommendation was issued by the State Commission of Human Rights of said federative entity.

Recommendation 24/2005

October 3 rd , 2005

Case: Mario Garzona Vides and others.

Addressee Authority : National Institute of Migration (hereinafter INM).

On January 29 th , 2005, deputy visitors of the National Commission attended the migratory station in La Venta for an inspection. In said place, they received a complaint for irregularities committed against Mario Garzona Vides and other two migrants from El Salvador , who had been secured by the INM eight days before. They did not undergo medical examination, they were not informed about their rights, they were not given the opportunity to make a statement related to their detention and they were denied access to consular assistance, among other abuses.

On the other hand, it was proved that the facilities were not adequate for a dignified stay of the secured parties. To that respect, CNDH asked the INM to adopt preventive remedies in order to grant a dignified stay to the migrants. CNDH later checked the temporary close-up of the migratory station of La Venta by the INM. Said migratory station was only working as a revision point, until activities were cancelled. CNDH considers that the public servers of the INM in La Venta , violated the legal rights and the right to a dignified treatment of the above-mentioned persons. Due to the aforesaid, the National Commission issued Recommendation 24/2005, addressed to the Commissioner of the INM, advising that the Internal Control Office should be given notice of the facts, in order to start administrative proceedings against the public servers involved in the case. The National Commission also recommended that proper instructions should be given to the corresponding people, so that the migratory stations fulfill the requirements related to stay, cleaning, specific lodging areas, preventive occupation, ventilation and enough supplies of drinking water and elements for personal cleanliness. Finally, it was advised to apply within migratory proceedings, the Agreement by which rules for the operation of migratory stations of the National Institute of Migration are issued.

Recommendation 25/2005

October 5 th , 2005

Case: LAQC & DUR.

Addressee Authority : General Direction of the Mexican Social Security Institute (here in after IMSS).

The CNDH received a complaint submitted by Messrs. LAQC and DUR, against IMSS' staff, pointing out that in the General Hospital located in Zone 27, a list of people suffering from HIV, who were being treated there, was on display. In said list personal data and information on the medical condition of 360 patients was shown.

The complaining parties appeared before the Deputy Director of the General Hospital in Zone 27, who did not provide a solution to the problem. Therefore, they contacted the Manager of Economic Benefits in Delegations 1 and 2 of IMSS, after which the lists were removed.

Due to the aforesaid, Recommendation 25/2005 addressed to the General Director of IMSS was issued. In said recommendation it was requested that permanent training courses should be given to the staff, about the legal guidelines which guarantee confidentiality of the data of patients suffering from HIV/AIDS. It was also requested that CNDH should be informed about the fulfillment of all the legal provisions related to Prevention and Control of Infections caused by HIV; furthermore, recommendations should be included in the record started and measures should be taken for medical attention to be comprehensively provided, with timely and efficient health services.

Recommendation 26/2005

October 5 th , 2005

Case: Daniel Reséndiz Ríos.

Addressee Authority : General Direction of the Institute of Security and Social Services for State workers (here in after ISSSTE).

The CNDH received a complaint filed by María Luisa de Anda Valencia, against public servers of ISSSTE's General Hospital "Dr. Santiago Ramón y Cajal", located in Durango, due to the fact that her brother-in-law, Daniel Reséndiz Ríos, who had a sore throat and fever, went to the emergency area of said hospital but the physician, Carlos Mario Zúñiga Blancarte did not provide him with proper attention and sent him back home with an inadequate treatment. Therefore, he had to attend a private hospital, where he died.

The analysis of the evidence showed that the physician did not make a proper evaluation or diagnosis of the patient, which was the cause for Mr. Reséndiz' death. Due to the aforesaid, CNDH issued Recommendation 26/2005, addressed to the General Director of ISSSTE, asking for the administrative procedure to be started against the physician and to provide compensation to his relatives, on account of the deficient medical attention given to the patient; on the other hand, CNDH also requested proper support for the PGR (General Attorney's Office of the Republic) for the inclusion of the previous investigation started after the complaint, and the implementation of actions for the public servers of said Institute to provide the required medical attention to the benefit of the users, in compliance with the applicable rules.

Recommendation 27/2005

October 10 th , 2005

Case: José Antonio Flores Bulnes.

Addressee Authority : Ministry of Navy.

The CNDH received the complaint filed by José Antonio Flores Bulnes, of Honduran origin, where he stated that on January 23 rd , 2004, the staff of the Ministry of Navy caught him and beat him during an operation carried out on the same day in the railways, one kilometer after Acapetahua, Chiapas, and he was put at the disposal of the INM. Later on, staff from the Beta-Tapachula Group for the Protection of Migrants, accompanied him to appear before the agent of the Public Ministry of ordinary jurisdiction, in order to file the pertinent complaint. The analysis made showed that the behaviors in question caused violations of the human rights to freedom, to due process of law, to judicial safety, to personal integrity and humane treatment of the complaining party. Furthermore, the staff of the Navy has no authority to verify if people have migratory documents, so a proposal for conciliation was made; however, said entity did not accept the document. Consequently, the National Commission issued Recommendation 27/2005, addressed to the Minister of Navy, advising him to inform the Navy's Inspection and General Control Office, for the purpose of starting the corresponding administrative proceedings, and of checking the evidences, for them to be sent to the agent of the Military Public Prosecutor and grant a compensation to the damaged person.

Recommendation 28/2005

October 14 th , 2005

Case: Appeal submitted by Isaac Estrada Chávez and others.

Addressee Authority : Constitutional Government of the State of Hidalgo .

The National Commission opened the file

2005/101/HGO/1/I, as a consequence of the appeal submitted by Messrs. Isaac Estrada Chávez and others, due to the unsatisfactory fulfillment of Recommendation 02/04, issued by the Commission of Human Rights of the State of Hidalgo , addressed to the General Justice Attorney of said entity.

The analysis of evidence submitted in the legal proceedings showed that there were violations to the due legal process and judicial safety rights, due to the fact that the judicial police force has not complied with the detention instructions issued by the criminal judge in first instance, in cases 63/2002 and 100/2002. This kind of behavior might have caused a huge social conflict in the community, and to make matters worse, as well as it has favored that the accused parties have stayed away from justice. The National Commission issued Recommendation 28/2005, addressed to the Constitutional Governor of Hidalgo, requesting the fulfillment of the recommendation issued by the Commission of Hidalgo, in order to establish the responsibility of the Commander of the judicial police

force and of the Chief of said body, in the failure to follow the orders of detention for references and in its turn, impose a sanction on them; the National Commission also requested the issuance of instructions, for the purpose of speeding up those judicial orders.

Recommendation 29/2005

October 14 th , 2005

Case: Appeal submitted by Berta Pérez Nohpal.

Addressee Authority: Presidency of the H. Superior Court of Justice and of the Commission of Internal Government and Administration of the Judicial Power in the State of Tlaxcala .

The CNDH opened the file 2004/453/TLAX/1/I, due to the appeal submitted by Bertha Pérez Nohpal, who shows her disagreement with the lack of acceptance of Recommendation 18/2004, issued by the Commission of Tlaxcala, by the President of the H. Superior Court of Justice and of the Commission of Internal Government and Administration of the Judicial Power of said entity.

The CNDH observed that there was default in the provision of the public service on the part of the Civil and Family Matters First Judge of the Judicial District of Lardizábal and Uribe and of the Secretary of Agreements of said Court. The default consisted of a delay in processing the petition filed on behalf of Haidyn Romano Lezama, even though said petition had been agreed upon.

The National Commission issued Recommendation 29/2005, addressed to the President of the H. Superior Court of Justice and of the Commission of Internal Government and Administration of the Judicial Power in the State of Tlaxcala, for the purpose of her fulfilling of Recommendation 18/2004, issued by the Commission of said entity, and for the resolution of the administrative complaint against the above-mentioned public servers, due to the infringements committed, and for their responsibility to be established.

Recommendation 30/2005

October 19 th , 2005

Case: Tania González.

Addressee Authority: Ministry of Health and General Director of Juárez Hospital in Mexico .

The CNDH opened the file 2005/590/DF/1/SQ, due to the complaint submitted by Marcos Zamora, who stated that his wife, Tania González entered Juárez Hospital of Mexico, because she was 6 months pregnant and had several difficulties related to the pregnancy. Therefore, the expulsion of the fetus was attempted, and two dead fetuses were obtained. Mr. Zamora was informed of the existence of only one fetus, and even though later he came to know of the existence of the other fetus, the latter was not given to him.

The CNDH observed that both fetuses were submitted to study, and only one of the corpses was properly handled, while the other one was sent, without any request, for a biopsy study, as it weighed less than 350 gr. The CNDH issued Recommendation 30/2005, addressed to the Minister of Health and to the General Director of the Hospital, advising the former to avoid considering fetuses of less than 350gr as biopsies, or giving them the treatment of organic waste, and that proper information should be provided about the fetuses which die before birth, as well as about the final destination thereof. The General Director was advised to deliver the dead fetus and to issue the fetal death certificate, apart from starting administrative proceedings against the Director of Obstetrics.

Recommendation 31/2005

October 24 th , 2005

Case: Eugenio Campos Vicario

Addressee Authority: H. City Council of Cuernavaca , Morelos.

The CNDH opened a file on account of the appeal submitted by Eugenio Campos Vicario, due to the lack of acceptance of the Recommendation of the State Commission of Morelos addressed to the Secretary of the Metropolitan Public Safety and Traffic of the City Council of Cuernavaca, Morelos.

The analysis of the evidence made by the CNDH showed that Mr. Campos parked his vehicle in Aniceto Aguilar street, on the corner of Álvaro Obregón, and when he went back the car was missing, so he headed for the Metropolitan Public Safety and Traffic in order to find out if the vehicle was in some warehouse. In this entity, he was told that there was no record of his car, so he made the corresponding claim. After that, the complaining party informed the authorities that his vehicle was in a warehouse, but it hasn't been returned to him yet.

As a result of the above, the National Commission issued Recommendation 31/2005, addressed to the H. City Council of Cuernavaca, Morelos, for them to comply with the Recommendation issued by the State Commission, in order to respect the rights of the complaining party and to give him a compensation for the damages.

Recommendation 32/2005

October 25 th , 2005

Case: Mr. TEF.

Addressee Authority : Constitutional Government of the State of Coahuila .

The CNDH opened the file 2005/1566/SIN/1/SQ, due to the complaint submitted by Mr. TEF, who states that some persons have appeared in his domicile, and he thinks they are members of the judicial police in Coahuila, who were seeking his deprivation of liberty; besides, they tried to blackmail him into either paying 300 thousand and 500 thousand pesos or be incriminated; likewise, the picture of the affected party was uploaded in the PGJ's (General Attorney's Office of Justice) web page of the State of Coahuila, even though he was not related to any ministerial investigation.

Due to the aforesaid, the CNDH issued Recommendation 32/2005, addressed to the Governor of Coahuila, so that the General Visitorship of PGJ of said State starts an investigation against the staff of said institution; besides, if the findings show that a crime was committed, the public prosecutor shall be notified, for the purpose of starting a previous investigation; likewise, a previous investigation must be carried out on the above-mentioned blackmail; the Recommendation also contemplates the issuance of the pertinent guidelines in order that the public servers in charge of the web page do not broadcast the image of persons without due authorization; and the Recommendation also suggests that the necessary steps should be taken for the complaining party to enforce his right to obtain rectification, and for the adoption of measures to get compensation for the damages caused to his image and good name.

Recommendation 33/2005

October 28 th , 2005

Case: Antonio Quintana and others.

Addressee Authority : National Institute of Migration (hereinafter INM).

The CNDH received a complaint in which it is stated that on April 19 th , 2005, in flight number 6A102 of Aviacsa airlines, coming from the city of Mérida, Yucatán, Antonio Quintana Martínez and three more people of Cuban nationality, arrived in the city of Tijuana, Baja California, with the purpose of participating in a religious event. These people were held at the office of migration of the International

Airport of Tijuana, and they were sent to Mexico City on the same day. That action was performed without giving them any explanation of the reason why they could not stay in Tijuana, even though the affected parties told the police officers that they had a document issued by the INM in Mérida, which did not specify that they could not travel to the border city of Tijuana, and that it allowed them to stay within the Mexican territory for 30 days, term that was not over yet.

Later on in Mexico City, when they tried to get on the plane which would take them back to the city of Tijuana, they were detained and put at the disposal of INM in the airport facilities. From the beginning of their detention, they were not given any food or water, neither did they receive medical attention, especially Mrs. Lázara Yumari, who was suffering from gastritis, and due to the fact that she had not eaten any food she felt very bad; these people were not informed of their migratory situation and at the moment of their detention, their luggage certificates were taken from them.

Due to the aforesaid, the CNDH issued Recommendation 33/2005, addressed to the Commissioner of INM, advising him that no restrictions of residence or traffic should be imposed on foreigners, if these have not been communicated to them; that food and the necessary medical attention should be given to all the people detained in INM in the Mexican airports.

It was also recommended that the administration proceedings should be started due to the securement and the failure to provide food and medical services, which took place at the airport, and due to the fact of hinder the functions of the National Commission.

Recommendation 34/2005

October 31 st, 2005

Case: Ana Luisa Vargas Ramírez

Addressee Authority : Ministry of Public Education.

The CNDH received the complaint filed by Ana Luisa Vargas Ramírez, where she states that she submitted before the chief of the Division of Professional Studies of the Technological Institute of Pachuca, the protocol in order to obtain her degree and her professional card in Computer Systems Engineering; however, she hasn't been given these yet, and she was told that the grading certificate of the subject called Programming III does not exist in school services.

The CNDH issued Recommendation 34/2005, addressed to the Public Education Minister, where he was requested to take the necessary actions to the end of, before all the respective procedures are carried out, issuing the professional degree title in Computer Systems Engineering on behalf of Ana Luisa Vargas Ramírez; the National Commission also recommended that the Internal Control Organism in Public Education Ministry should be informed, for the purpose of taking into account the terms of the Recommendation in the investigation started in record DE-476/2005, and informing this National Organism of the progress and results thereof.

Recommendation 35/2005

October 31 st, 2005

Case: Miguel Gerardo Rivera Alcántar and others.

Addressee Authority : Constitutional Government of the State of Querétaro .

The CNDH received the complaint of Messrs. Miguel Gerardo Rivera Alcántar, Gerardo Alcocer Munguía, Sergio Guerrero Patiño and José Alfonso Rodríguez Sánchez, who stated that Marco Antonio Hernández Galván's life was taken when he tried to defend Miguel Gerardo Rivera Alcántar from an individual who was hitting him with a firearm and was kicking him on the floor. They added that several irregularities have been committed by the General Justice Attorney, the Director of Previous Investigations and by the agent of the public prosecutor ministry of the state of Querétaro, as they are protecting the alleged responsible party.

Recommendation 35/2005, addressed to the Governor of Querétaro was issued for the purpose of instructing the General Justice Attorney of the entity to establish previous investigation I/929/2004, started as a result of homicide and damages, and for the purpose of starting administrative proceedings against the agents of the public prosecutor who have been in charge of adding said examination, due to the irregularities and omissions they are responsible for; likewise, it was recommended that the Secretary of Citizen's Safety should provide all the necessary elements to the proceedings started against public servers of said entity, and informing the CNDH about the final decision.

NATIONAL ISSUES

Third National Meeting between CNDH, local Commissions of Human Rights and Non Governmental Organisms.

On October 26th, 27 th and 28 th of the current year the Third National Meeting between CNDH, local Commissions of Human Rights and non governmental Organisms "In Permanent Dialogue" was held in San José del Cabo , Baja California Sur.

Apart from the CNDH, the event was attended by 25 state Commissions of Human Rights and more than 600 non governmental organizations of the whole country.

In said meeting, three plenary sessions, three magisterial conferences, eight panels and eight groups of analysis were carried out. The topics dealt with were human rights and health, childhood and old age as vulnerability factors, gender as a factor of social and family violence and discrimination, citizen participation and civil society organizations, the right to a healthy environment, access to justice as a signal of the fulfillment of human rights and of the effectiveness of legal rights, the migratory phenomenon in Mexico and indigenous peoples.

In the opening ceremony the Nacional Ombudsman, José Luis Soberanes Fernández; the Governor of Baja California Sur, Narciso Agúndez Montaña and some Senators of the Republic were present.

OFFICERS

President
José Luis Soberanes

First Visitor
Raúl Plascencia Villanueva

Second Visitor
Susana Thalía Pedroza de la Llave

Third Visitor
Andrés Calero Aguilar

Fourth Visitor
Jorge Ramón Morales Díaz

Fifth General Visitor
Mauricio Farah Gebara

Executive Secretary
Salvador Campos Icardo

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Jesús Naime Libié

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