

NEWS LETTER

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FIFTH WORKSHOP ON THE APPLICATION OF THE ISTANBUL PROTOCOL AND THE OPTIONAL PROTOCOL ON THE CONVENTION AGAINST TORTURE.

On June 11 th and 12 th of this year, the fifth workshop on the Application of the Istanbul Protocol and the Optional Protocol on the Convention Against Torture were carried out in Nuevo Vallarta, Nayarit.

In the inauguration of this workshop Dr. Javier Moctezuma Barragán, Secretary Executive of the CNDH, Oscar Humberto Herrera López, President of the Commission of the Defense of Human Rights for the State of Nayarit, Minister Alejandro Negrin Muñoz, Director of Human Rights and Democracy for the Ministry of Foreign Affairs, and Dr. Eladio Navarro Bañuelos, President of the State Commission of Human Rights for Zacatecas were all present.

The workshop was geared towards the State Commissions with the objective of training the personnel of those organisms in the knowledge of the Istanbul Protocol as well as of the Facultative Protocol on the Convention against Torture, in such a way as to qualify them in the investigation to diagnose and detect elements of torture.

RECOMMENDATIONS

The following is the synthesis of the recommendations emitted by the CNDH during the month of June. The complete version can be consulted on the web page of this institution.

Recommendation 10/2007

May 10 th , 2007

Case: Of Mr. EGZ.

Addressee Authority: Mexican Institute of Social Security (IMSS).

On February 17 th , 2006, the complaint by Mr. MARPS was received in this National Commission, wherein it stated that Mr. EGZ, carrier of HIV/AIDS, on February 2, 2006, entered the General Hospital of Zone 2 of the Mexican Institute of Social Security (IMSS) in Tuxtla Gutiérrez, Chiapas, where he was prescribed the medication named ganciclovir, which he had yet to receive by the date in which his complaint was filed, and for which he solicited the urgent intervention of this National Organism, owing to the risk that he was going to lose his eye and ear which were both healthy. In broadening their complaint, on February 21, 2006, Mr. MARPS and JCBR stated that, owing to the deficient medical attention which Mr. EGZ received beginning August 8, 2005, he lost vision in one eye, as well as hearing in one ear, since it was detected late that he suffered from HIV and, as a consequence, did not receive in a timely manner the treatment and adequate control of his illness.

As a result of the preceding, on May 10 th , 2007, this National Organism issued the Recommendation 10/2007, directed to the Director General of the Mexican Institute of Social Security, wherein he is requested to inform the Internal Organ of Control in the IMSS, so that an administrative proceeding of investigation may begin against those public servants cited in the Recommendation in question, and to inform this National Commission from the start until its corresponding resolution.

In the same way, order those responsible to complete the respective administrative applications to the effect that Mr. EGZ be compensated in accordance with the law and his generated expenses be covered, by virtue of the considerations laid out in the cited Recommendation. Furthermore, direct instructions to the corresponding areas of the IMSS to carry out the processes designed to regularize the necessary supply, so that the proper reserves of medications are had. Similarly, give instruction to those responsible so that training courses may be imparted permanently to those doctors adscribed to the General Hospital of Zone Number 2, in Tuxtla Gutiérrez , Chiapas .

Recommendation 11/2007

May 10 th , 2007

Case: Of Mrs. Patricia González Sandoval.

Addressee Authority: Institute of Security and Social Services for State Workers (ISSSTE).

On November 10th, 2006, this National Commission opened the file 2006/5051/I/Q motivated by the complaint presented by Mrs. Patricia González Sandoval, through which she declared presumed Human Rights violations committed in detriment to her by public servants from the ISSSTE, In view of the fact that on September 4th, 2006, she gave birth to her third child in the "General Ignacio Zaragoza" Regional Hospital, she was discharged the following day, but reentered the same hospital on September 8th, 2006, when she also received surgical intervention, and was operated on again on September 11th, 2006, in order to extirpate her uterus and ovaries, as a consequence of the omission in prescription of the adequate treatment, to which the aggrieved expressed her disagreement.

As a result of the preceding it emerges that, with his action, the medical personnel of to the ISSSTE violated the right to freedom of procreation of the aggrieved, which implies a free, responsible, and informed decision about the number and spacing of her children in view of the fact that an obstetric hysterectomy was performed on her, it materially deprived her of the possibility of becoming pregnant again; the preceding by virtue of the fact that this suffering was foreseeable, and as it turned out, the surgical procedure, unnecessary.

Based on the above this National Commission, on May 10 th , 2007, released the Recommendation 11/2007, directed to the General Director of the ISSSTE, so that the corresponding measures may be taken, and that the payment be realized which proceeds by the concept of reparation of the damage caused to Mrs. Patricia González Sandoval, as a consequence of the institutional responsibility derived from the inadequate medical attention she was given, in accordance with that which is posed in the legislation applicable to the subject matter; similarly, send to this National Commission the documentation with that which accredits your compliance; at the same time, send instructions to the effect that through the corresponding area in the ISSSTE the aggrieved be given psychotherapeutic treatment, with the object of diminishing the psychological damage which can result from the impossibility of being able to procreate again; similarly, begin, in accordance with the law, the administrative proceeding for investigation against those public servants attached to the "General Ignacio Zaragoza" Regional Hospital; finally, instruct the corresponding person so that training courses be imparted in order to avoid the occurrence of future omissions such as those referred to in the chapter of observations for this Recommendation.

Recommendation 12/2007

May 11 th , 2007

Case: Appeal by Mr. Sergio Rodríguez Alegre.

Addressee Authority: H. Constitutional City Council of the Municipality of Apizaco , Tlaxcala.

On June 7 th , 2006, the appeal presented by Mr. Sergio Rodríguez Alegre before the State Commission for Human Rights of Tlaxcala was received in this National Commission, in view of the fact that the Constitutional City Council of Apizaco, Tlaxcala, did not accept the Recommendation that the Local Organism directed to it.

On June 23 rd , 2005, Mr. Sergio Rodríguez Alegre presented a complaint before the State Commission of Human Rights for Tlaxcala, for acts probably in violation of Human Rights committed in detriment to him by public servants from the Constitutional City Council of Apizaco, Tlaxcala, in view of the fact that in the last week of January, 2005, without preliminary proceedings, his amusement rides that he had installed in the central park of the city of Apizaco, Tlaxcala were removed.

The State Commission proceeded to the processing of the file CEDHT/145/2005-1, and on April 5 th , 2006, directed to the Constitutional City Council of Apizaco, Tlaxcala, the respective Recommendation, by virtue of the fact that the violation accredited to the Human Rights of legality and judicial certainty in detriment to Mr. Sergio Rodríguez Alegre, the same that was not accepted by the municipal authority.

By such virtue, on May 11 th , 2007, this National Commission issued the Recommendation 12/2007, the same which was directed to the Constitutional City Council of the Municipality of Apizaco, Tlaxcala, confirming the Recommendation of April 5 th , 2006, emitted by the Local Organism, issuing them the instructions so that they would speedily comply with the Recommendation emitted by the State Commission of Human Rights for Tlaxcala, in the file CEDHT/145/2005-1.

Recommendation 13/2007

May 15 th , 2007

Case: Of Mrs. María Auxilio Bautista Mesa

Addressee Authority: Constitutional Government of the State of Jalisco and the Mexican Institute of Social Security (IMSS).

On August 11 th , 2006, this National Commission opened the file 2006/4005/1/Q, motivated by the complaint presented on October 18, 2005, by Mr. José de Jesús Jiménez Ramos before the State Commission of Human Rights for Jalisco, in which he reported that on September 1 st , 2005, his wife, Mrs. María Auxilio Bautista Mesa, was bitten by a bat, for which they went to the medical service where public servants from the State Ministry of Health attend to patients, who informed them that they did not have the required medications and that there was no doctor that could attend to them, for which they spoke with a doctor in Ocotlán, Jalisco, by radio who told them that he did not have the medications either, but assured them the aggrieved was not running any risk.

Finally, and after returning numerous occasions to different clinics of the IMSS, the aggrieved continued to be troubled to the point of not being able to see nor hold herself up, for which they took her to the emergency room, on October 7 th , 2005, in the Clinic Number 46 of said Institute, where she was admitted and died October 10 th , 2005. Finally, the plaintiff specified that numerous doctors from the IMSS told him that the cause of death was owed to the fact that she was not attended to on time and from complications from the animal bite.

As a result of the preceding, on May 15 th , 2007, this National Commission issued the Recommendation 13/2007, directed to the Constitutional Governor of the State of Jalisco, so that he may issue instructions to the Secretary of Health for the State, to begin and bring about, in conformity to law, the administrative procedure of investigation against the public servants adscribed to the Health Center of this federative entity; furthermore, instruct the Secretary of Health for the State to carry out the processes designed to regularize the necessary and opportune supply of medications, so that they be available in the ideal quantity to satisfy the demand from all the health centers for the state; similarly, order the corresponding person to complete the administrative procedures corresponding in effect to the family members of the aggrieved, that they be repaired of the damage conforming to law; moreover, issue necessary administrative instructions designed to give professional, effective, and opportune medical attention to the patients who turn to the health centers dependent on the Secretary of Health for Jalisco.

Furthermore, it was recommended to the General Directory of the IMSS that he begin and bring about, conforming to law, the administrative procedure of investigation against the public servants that were involved with attending to Mrs. María Auxilio Bautista Mesa; similarly, issue the administrative instructions designed so that quality attention be paid to the patients who turn to the dependent hospitals of the IMSS.

Finally, give the order to complete the corresponding administrative procedures, to the effect that the family members of the aggrieved be repaired of damages in conformity with the law.

Recommendation 14/2007

May 16 th , 2007

Case: Appeal of Mr. Palemón López Hernández.

Addressee Authority: H. Constitutional City Council of the Municipality of Apizaco , Tlaxcala.

On November 18 th , 2005, this National Commission received the appeal which Mr. Palemón López Hernández presented before the State Commission for Human Rights of Tlaxcala, in which he reported as grievance that the Municipal President of Apizaco, Tlaxcala, did not accept the Recommendation 12/2005 which the Local Organism directed to him.

On May 17 th , 2005, Mr. Germán and Mr. Alday Palemón López Hernández, both with the last name of López Carcaño, presented a complaint before the State Commission of Human Rights for Tlaxcala for presumed violations of their Human Rights, committed by elements of the Directorate of Public Security, Roadways, and Transportation for Apizaco, Tlaxcala, in view of the fact that they forced the aggrieved persons to submit violently under the argument they had suspicious attitudes, their radio transmitters, cellular telephones, wallets, and \$1,500.00 (one thousand five hundred pesos 00/100 cents) property of Mr. Palemón López Hernández, which was returned later with the exception of the money in cash.

The State Commission opened the file CEDHT/109/2005-1, and on September 28 th , 2005, issued the Recommendation 19/2005, directed to the Municipal President of Apizaco, Tlaxcala, by virtue of the fact that the violation was accredited to the Human Rights of legality and judicial certainty of the aggrieved, the same that was not accepted by the municipal authority. By that which this National Commission issued on May 16th, 2007, the Recommendation 14/2007, directed to the H. Constitutional City Council of the Municipality of Apizaco , Tlaxcala, confirming the Recommendation issued by the local organism, so that compliance with Recommendation 19/2005 be ordered which the State Commission for Human Rights for Tlaxcala issued. Similarly, may the administrative procedure be started against C. Reyes Ruiz Peña, municipal President, and against the head of the Directorate of Public Security, Roadways, and Transportation, both from Apizaco, Tlaxcala, the same who failed to yield the report to this National Commission for the incompliance which they incurred with respect to the petition from the State Commission of Human Rights for Tlaxcala, in order to carry out active proceedings of confrontation between the aggrieved and the elements of that police body.

INTERNATIONAL AFFAIRS

Meeting of the Bureau of the International Coordination Committee for the National Institutions of Human Rights.

Dr. Javier Moctezuma Barragán, Secretary Executive of the CNDH, participated in the meeting of the Bureau of the International Coordination Committee (CIC) for the National Institutions of Human Rights, which took place in Geneva , Switzerland , from June 19 to 22 of this year.

In said meeting, which was developed under the leadership of Mrs. Jennifer Lynch, President of the Canadian Commission on Human Rights and President of the CIC, the representatives of the National Human Rights Institutions of Korea, India , and Australia , among others all participated.

The principal points on the meeting's agenda consisted of harmonizing the interaction of the INDH with the system of treaties, including Committees and Special procedures; proposing the possibility of establishing a permanent representation of the CIC in Geneva in order to facilitate said rapprochement.

Equally, it was proposed to establish a disability database for the INDH, adopted by the CIC in the session celebrated in March 2007; the definition of the National Institute in terms of the Paris Principles; the necessary actions were realized for the preparation of the 9 th World Conference of the National Institutions which will be carried out in the city of Nairobi, Kenya in 2008.

Finally, the human rights situation in countries such as Nepal , Sri Lanka , and Cambodia among others were analyzed.

Meeting of the UN Working Group on Forced and Involuntary Disappearances.

Last June 26, a meeting of the UN Working Group on Enforced or Involuntary Disappearances was carried out with members from the Delegation from this National Commission, in the city of Geneva , Switzerland .

The principal objectives of said meeting were to directly understand the work methods and dynamics of the named Group; to make known to the Group the posture and work of this National Commission regarding enforced disappearances in Mexico, and finally, to understand the considerations of the Working Group in order to make more efficient the labor that this Commission carries out, as well as to improve the mechanics of presenting reports which the CNDH put together regarding the serious violations of Human Rights in our country. The work of this CNDH on the subject, presented by its representative Delegation, merited congratulations from Mr. Stephen Toope, member of the Working Group, who acted as president of said Group during the meeting.

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