

NEWS LETTER

Number 176

October 2007

CONTENTS

- INTERNATIONAL SEMINAR "THE MIGRATORY PHENOMENON AND HUMAN RIGHTS ON THE SOUTHERN BORDER OF MEXICO"
- RECOMMENDATIONS:
 - 44/2007 Case of Mr. Roberto Antonio Mortera Negrete.
 - 45/2007 Appeal by VLM.
 - 46/2007 Case of Mr. Sergio Raúl Almaraz González.
 - 47/2007 Case of Mr. Ramón Rodríguez Sánchez.
 - 49/2007 Case of Mr. David Jonathann Estrada Castillo, Mr. Mohammad Mikhail Padilla Estrada and Mr. Nicolás Pech Chalé.
 - 52/2007 Case of the minors CSA and ERA.
 - 53/2007 Appeal by Mrs. Ambrosia Castillo Hernández.
- NATIONAL ISSUES
- INTERNATIONAL ISSUES

INTERNATIONAL SEMINAR "THE MIGRATORY PHENOMENON AND HUMAN RIGHTS ON THE SOUTHERN BORDER OF MEXICO"

On October 22, the International Seminar "The Migratory Phenomenon and Human Rights on the Southern Border of Mexico," was carried out in the city of Villahermosa, State of Tabasco.

In the inauguration of said Seminar, the Governor of the State of Tabasco, Andrés Granier Melo, was present, as well as was Dr. José Luis Soberanes Fernández, President of the CNDH, who expressed that "Mexico has left the irregular immigrants to their own luck, which is another way of saying that it has put them in the hands of arbitrary authorities, human traffickers and common criminals".

Similarly, he pointed out that the reform of the legal migratory framework is the grand imperative of transformation which the country demands in order to have a legal and social environment propitious for appropriate attention to the immigration phenomenon and for the protection of rights of undocumented people.

Accompanied by the chief of the Mission of the International Organization for Migrations in Mexico, Juan Artola Belbis, Dr. Soberanes Fernández indicated that the CNDH has demanded that the authorities not convert jails into migration stations, as was occurring up until recently, moreover, he requests the improvement of the infrastructure and the functioning of the stations and to cancel the verification of migration documents and the detentions of undocumented persons by untrained authorities.

He recalled that the CNDH promoted the decriminalization of migration, recently approved by the House of Representatives and which the Senate of the Republic is analyzing, and he recognized the advance represented by the approval of the Law to Prevent, Combat, and Sanction the Treatment of Persons, notwithstanding that the General Law of Population permits the agents of authority to operate within excessive margins of discretion.

The current law, he said, does not offer guarantees to migrants to be able to denounce crimes against them, nor does it reflect the obligations contracted by Mexico by the ratification of different international judicial instruments.

Through demonstrating the support of the CNDH for activities that facilitate the oversight of fundamental guarantees in the country, the President of the CNDH mentioned that only a greater diffusion, training and teaching can achieve in our country the compliance of the full Rule of Law, wherein the law –and only the law- is what guides the carrying out of authority, and the life of the society.

On the southern border of Mexico, he considered that a greater state presence and better migratory services were needed, such as in El Ceibo, where they live under the law of the jungle and where the elements of the Mexican Army are not prepared to carry out the functions of Migration Agents. He reiterated that it is necessary for the authority to comply explicitly with the functions relating to migration.

RECOMMENDATIONS

The following presents a synthesis of the recommendation emitted by the CNDH during the month of October. The complete version can be consulted on the website of this institution.

Recommendation 44/2007

October 2, 2007

Case: Of Mr. Roberto Antonio Mortera Negrete

Addressee Authority: Ministry of Public Security and the Government of the Federal District

On February 15, 2007, this National Commission received a complaint from Mr. Roberto Antonio Mortera Negrete, in which he stated, in synthesis, that on January 23, 2007 he was due to complete in simultaneous manner the prison terms imposed on him by having on two crimes; however, the Decentralized Administrative Organ of Prevention and Social Readaptation for the Federal Ministry of Public Security had not ordered the authorities of the Eastern Male Preventative Prison of the Federal District that he be released.

From the analysis of the information collected it was detected that authorities from the Federal Ministry of Public Security, as well as from the Eastern Male Preventative Prison and from the General Directorate of Prevention and Social Readaptation for the Government of the Federal District in charge of the custody of Mr. Mortera Negrete, transgressed the human rights of personal freedom, legality and judicial certainty, since he was detained illegally, upon being deprived of his freedom in the mentioned prison for more time than what corresponded to the legal compliance of the prison sentences which were imposed on him.

It is worth mentioning that in the verdicts of the sentence the immediate release of Mr. Mortera Negrete was indicated, upon the imposed sanction having been served out, which did not happen because on October 31, 2005 the sentence had not been completed for the crime for which he was sentenced by the Eleventh District Court of Federal Criminal Processes in the Federal District; however, in spite of serving out the sentence this past January 23, 2007, the authorities of the Administrative Organ and of the Prison retained him without any legal justification, until March 8, 2007, when he obtained his freedom 1 month 13 days after the legal completion of the previously referenced sentence.

Based on the exposed, on October 2, 2007 this National Commission issued Recommendation 44/2007, directed to the Federal Ministry of Public Security and the Head of Government for the Federal District, with the objective being to order and bring about the payment of reparations stemming from the resulting damages, in the terms of the planted considerations, in conformity with the applicable legislation, for damages and injuries caused to Mr. Roberto Antonio Mortera Negrete motivated by the unjustified deprivation of liberty of which he was victim; notify the competent Public Prosecutor's Office in order to initiate the corresponding preliminary inquiry, with respect to the referenced conduct in the body of the present recommendation; notify the corresponding Internal Control Organ, in order to begin and carry out, conforming to law, an investigation to establish what the public servants could have committed by the incurred negligence of not overseeing the execution of the imposed sanction on Mr. Roberto Antonio Mortera in the case 232/2000-IV, and from the resolution of Criminal Sentence 50/2003, not verifying that the regimen of compliance of the execution of them was in conformity with the law, the sentence, and the total and absolute respect for human rights, with attention to the exposed considerations in the observations chapter of this document; and take the pertinent measures, with the intention of overseeing that the execution of the sentences depriving inmates of freedom is applied in the strictest manner to avoid any subsequent violations of human rights.

Recommendation 45/2007

October 3, 2007

Case: Appeal by VLM

Addressee Authority: Human Rights Commission for the Federal District

On April 1, 2004, the Human Rights Commission for the Federal District received the complaint by Mr. VLM, in which he indicated that in August of 1999, being in the Southern Male Preventative Prison, he requested a conjugal visit, for which they carried out numerous clinical studies on him, and in October of that year the psychologist for the medical service of that prison informed him that he had HIV/AIDS, for which he was moved to the Penitentiary of the Federal District, where the people who suffer from AIDS are kept; however, he requested that they perform other medical studies, because he did not agree with the results, which the authorities rejected, and it was not until the year 2001 in which the public defender requested the Sixteenth Circuit Criminal Judge from the Superior Tribunal for Justice for the Federal District to carry out a new assessment, since in the Infectious Disease Hospital of the National Medical Center La Raza from the Mexican Institute of Social Security other studies on him the performance of resulted as HIV Negative.

Due to the above, the Local Commission initiated the file CDHDF/121/04/CUAUH/D1715, and upon accrediting violations to Human Rights relative to the right to health, in its modalities of: a) access to health services; b) right to the prevention and treatment of epidemic illnesses, and c) right to informed consent, as well as the rights of persons derived of their freedom, on November 1, 2006, directed Recommendation 12/2006 to the Secretary of Health in the Federal District and to the General Director of Prevention and Social Readaptation from the Federal District.

On November 22, 2006 the plaintiff presented an appeal in which he manifested his disagreement with the Recommendation 12/2006, in virtue of the fact that it would not give reparations for the denounced violations since he was not assisted relative to the administrative responsibility incurred by the Directors of the Medical Unit of the Southern Male Preventative Prison, the Xoco General Hospital for the Ministry of Health and the Medical Unit for the Penitentiary, as well as the General Director of that Penitentiary, all from the Federal District, and he asked for reparations for the damage, as well as the recognition of the intervention of the representatives from the Fray Francisco de Vitoria Center for Human Rights O.P., A.C., which was received in this National Commission on December 7, 2006, starting the file 2006/434/1/RI.

From the analysis of the obtained evidences, this National Commission considers the injuries legitimate, based on the existence of violations to the rights of security and judicial legality for the inappropriate provision of service, for having preformed the HIV/AIDS examination on Mr. VLM without his awareness, and weighing heavily the negative conduct by the Director of the Medical Unit of the Penitentiary like that of the General Director of that Penitentiary, both from the Federal District, consisting of having rejected the request of the aggrieved to conduct other medical studies to corroborate whether he had HIV/AIDS, for which, at least, the start of an investigation by both the competent Internal Control Organ, and the Social Representation should have been recommended, in order to research whether their behavior is categorized in a typical hypothesis anticipated in the current Criminal Code at the time of the events, and to determine the legal consequences of an omission which enables the behavior displayed by the public servants to remain in impunity.

Due to the above, this National Commission modified the Recommendation emitted by the Human Rights Commission from the Federal District, and on October 3, 2007, emitted the Recommendation 45/2007, directed to the President of the Human Rights Commission for the Federal District, in which it was requested that he issues instructions to modify the resolution of November 1, 2006, dictated in the file CDHDF/121/04/CJAUH/D1715, established in that Human Rights Commission motivated by the complaint presented by Mr. VLM, and taking into account the consideration that make up the respective file, as well as the observations formulated in the present Recommendation, and without affecting the points included in the Recommendation 12/2006, to emit another which includes the points relating to the reparation of damages, the demarcation of administrative responsibilities and sanctions for the public servants involved, and to make clear the recognition of the work done by representatives from the "Fray Francisco de Vitoria" Center for Human Rights O.P., A.C.

Recommendation 46/2007

October 3, 2007

Case: Of Mr. Sergio Raúl Almaraz González

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

On November 6, 2006, this National Commission initiated the file 2006/5022/1/Q motivated by the complaint presented by Mrs. Karina López Arizmendi, in which she claimed presumed violations of Human Rights against her husband, Mr. Sergio Raúl Almaraz González, attributed to the medical personnel from the Mexican Institute of Social Security (IMSS), in view of the fact that on September 3, 2006 the aggrieved presented a strong stomach ache accompanied by vomiting and diarrhea, and owing to this he was taken to the Emergency Room of the General Hospital for Zone Number 27 of the IMSS, the place where they kept him under observation the whole afternoon and night.

She added that in the morning of September 5, 2006, they called her to inform her that they would perform an operation on her spouse, since they suspected that he had an "appendicitis", for which he was admitted to the operating room at 11:00 in the morning; however, at 12:30 a doctor informed her that the patient was very ill and that he could die, since he had necrosis of the intestine resulting from the illness which he suffered from, indicating that he would cut out almost two meters of intestine; the plaintiff indicated, furthermore, that two hours later her husband left the surgical intervention with a bad prognosis, owing to the fact that the problem of circulation that he had had for a long time had not cased, a situation for which they had to transfer him to the Angiologist Services of the La Raza National Medical Center since his stumps were numb and his station was grave; however, the doctors of that hospital did nothing to give him adequate treatment for the patient's circulation, which caused the death of her husband on September 10, 2006.

From the analysis carried out on the evidences that comprise the file, this National Commission accredited violations of the right to protection of health and of life, attributed to the medical personnel of the General Hospital for Zone Number 27 and of La Raza National Medical Center, in detriment to Mr. Sergio Raúl Almaraz González.

Owing to the above, on October 3, 2007, this National Commission issued Recommendation 46/2007, directed to the General Director of the Mexican Institute of Social Security, requesting that he order the corresponding administrative procedures to be carried out, so that the family of the aggrieved, to those to whom the law applies, be given reparations for damages in conformity to the Law, in virtue of the considerations related in the observations chapter of this Recommendation and to send to this National Commission the certificates which accredit its completion; furthermore, instruct the corresponding persons to notify the Internal Control Organ of the Mexican Institute of Social Security, in order to begin and carry out, in accordance with Law, the administrative investigation proceeding against the public servants involved in the attention given to Mr. Sergio Raúl Almaraz González, who works at the General Hospital for Zone Number 27 and La Raza National Medical Center, with attention to the considerations exposed in the observations chapter of the present Recommendation, informing this National Commission from the start until the corresponding resolution; similarly, issue the

necessary administrative instructions, designed to give professional medical attention to the patients of the health centers connected with that Institute, in order to avoid acts which gave rise to the present Recommendation; in the same way, dictate necessary administrative guidelines so in those cases where medical attention is being given to a patient considered gravely ill, that it be given by those public servants trained to do it, avoiding that in the future this practice will be delegated to residents or persons inexperienced in their job.

Recommendation 47/2007

October 3, 2007

Case: Of Mr. Ramón Rodríguez Sánchez

Addressee Authority: General Director of the Mexican Institute of Social Security

On August 16, 2006, Mr. Ramón Rodríguez Zazueta presented a complaint before this National Commission, in which he claimed presumed violations of Human Rights of his father, by medical personnel from the Mexican Institute of Social Security in Obregón City, Sonora, in view of the fact that on May 20 of this year, the aggrieved entered the cited hospital with a considerable loss of blood, since he had been attacked by a criminal, for which the doctors opted to give him a blood transfusion. He indicated that owing to the fact that they asked him to give blood as a condition for continuing the treatment on his father, and replace that which had already been transfused, even though, at no time did he solicit the transfusions, on May 29, 2006, it was necessary to move his relative to a particular hospital in order that he receive the emergency medical care he required, where he was asked for a clinical resume of his stay at the Specialties Hospital Number 1 of the Mexican Institute of Social Security (IMSS) in Obregón City, but this was rejected under the argument that he had signed a voluntary release form.

He claimed that in light of the fact that he had to pay the private hospital a quantity of \$15,000.00 Pesos daily, on June 3, 2006, he had to readmit the aggrieved to the IMSS, under the conditions that they imposed regarding the treatment and medical options, without letting him choose the medical provider and the treatment without transfusions; moreover, he stated that in this hospital the patient presented serious complications in his blood, continuous hemorrhaging and high temperatures; adding that the providers did not notice that the situation with his relative was grave and during the time that he was hospitalized they never connected any apparatus to measure his vital signs or emit some alarm when he had a complication, so, when the aggrieved entered a coma, the referenced physicians tried to apply reanimation procedures without success, for which the patient died at 12:55, on July 3, 2006. He further claimed that, upon speaking with the forensic doctor attached to the Agency of the Public Prosecutor's Office, he was told that his father died with only 1000 platelets, when the normal amount should be 318,000 platelets in a human organism.

From the analysis carried out on the evidences that comprise the complaint file, this National Commission observed violations to the right to life and protection of health, committed by public servants attached to the Regional General Hospital Number 1 for the IMSS in Obregón City, Sonora, in detriment to Mr. Ramón Rodríguez Sánchez, upon considering that, as a consequence of deficient medical attention, on July 3, 2006, the patient died because of problem of disseminated intravascular coagulation, cerebral vascular hemorrhaging event, and severe thrombocytopenia.

Due to the above, on October 3, 2007, this National Organism issued Recommendation 47/2007, directed to the General Director of the Mexican Institute of Social Security, wherein they are requested to carry out the corresponding administrative proceedings, so that the family of the aggrieved, to whom the law applies, be given reparation for damages caused, including the expense paid, with attention to the considerations planted in the observations chapter of the Recommendation in question, and send to this National Commission the certificates that accredit its completion; furthermore, issue administrative instructions so that in the future professional medical attention will be given to the patients of the Services of General Surgery, Internal Medicine, Hematology, and Gastroenterology for the Regional General Hospital Number 1 for the Mexican Institute of Social Security in Obregón City, Sonora, and with it, avoid acts such as those which gave rise to the present pronouncement; in the same way, issue instructions to notify the Internal Organ of Control in the Mexican Institute of Social Security, in order to initiate and resolve, conforming to Law, an administrative investigation proceeding against the public servants attached to Services of General Surgery, Internal Medicine, Hematology, and Gastroenterology for the mentioned hospital, as well as for their responsibility regarding the management of the medical file in the Regional General Hospital Number 1 for the Mexican Institute of Social Security in Obregón City, informing this National Commission from its start until its final resolution, similarly, issue instructions to impart courses to doctors, as well as to nurses and administrators.

Recommendation No. 49/2007

October 12, 2007

Case: Of Mr. David Jonathann Estrada Castillo, Mr. Mohammad Mikhail Padilla Estrada and Mr. Nicolás Pech Chalé

Addressee Authority: H. Constitutional City Council from Cozumel, Quintana Roo

On November 30, 2006, this National Commission received the letter of complaint from Mr. David Jonathann Estrada Castillo, who, on the 18 of the month and year in question, attended the inauguration of a fuel plant in Cozumel, Quintana Roo, in the company of Mr. Mohammad Mikhail Padilla Estrada and Mr. Nicolás Pech Chalé, where municipal authorities were also attending, such as the Municipal President. In said event they distributed examples of the magazine, Contrapunto, which contains a report on the presumed irregularities in the public function of the Municipal President of that locality, circumstances which the plaintiff considered to be the motive for being intercepted by the Director and Sub-director of the police from said municipality, who ordered around a thousand

magazines to be picked up at that time. With threats, insults, and even punches the three were taken to the installations of the Directorate of municipal Public Security, in the local public jail; he indicated that during the trip, the plaintiff was verbally intimidated, once they arrived at the destination, said public servant left only him at the disposal of the Civic Judge, and released his companions without a single explanation; he ordered him to be held in an isolated cell, within which he found himself with another inmate, who beat him, and told him that he was only complying with orders from the Sub-director of the Police, afterwards they took him to a preventative cell, and freed him 24 hours after his detention, before the payment of a fine of \$750.00 Pesos that was imposed without having legal foundation, beyond not returning the magazines that were picked up. In the same way, in his complaint, Mr. Estrada Castillo indicated that on November 20, 2006, he received threats in the name of the Municipal President to leave things as they were, for which he and his companions presented separate denouncements before the Attorney General's Office of the Republic and the Public Prosecutor's Office for the State of Quintana Roo, initiating the corresponding statements.

From the analysis of the information provided, as well as the documents collected during the processing of the file, conducts were noticed to have been carried out by personnel from the Directorate of Public Security, Transit and Tourist Police from Cozumel, Quintana Roo, by the Coordination of Civic Judges from that Municipality, as well as from the State Public Prosecutor's Office, which can constitute administrative responsibility, for which this National Commissions concluded that the behavior of the municipal public servants violated, in detriment to the aggrieved, the Human Rights of freedom of expression and information, of legality and judicial certainty, through the application of indirect means to limit the freedom of expression, using apparently legal mechanisms, only so that it was not made known to the cited publication and, as a consequence, its contents; similarly, with respect to the public servants attached to the Public Prosecutor's Office for the State of Quintana Roo, by the same manner, it was found that the rights of legality and judicial certainty of the same were violated, due to a lack of investigation with respect to the denounced acts by the aggrieved in the corresponding preliminary inquiries.

Due to the above, on October 12, 2007, this National Commission issued Recommendation 49/2007 to the Constitutional Governor, as well as to members of the town council for the H. Constitutional City Council of Cozumel, all from the state of Quintana Roo, in which the following was recommended:

To the Governor:

Instruct the head of the Ministry of the Comptroller General for the State of Quintana Roo to begin and resolve, in conformity with law, an administrative proceeding to determine the responsibility incurred by agents from the Public Prosecutor's Office in charge of the integration of the preliminary inquiries mentioned in the observations chapter of the present recommendation, informing this National Commission from the start until the corresponding resolution.

Issue your instructions to the Public Prosecutor's Office for the State of Quintana Roo, to order the corresponding persons to expedite the investigations and to carry out the pertinent procedures for the due integration of the account statements, that allow the guarantee of legality and judicial certainty of those making the denouncements, informing this National Commission of the advances from the preliminary inquiry.

To members of the City Council of Cozumel:

Issue instructions to the corresponding person, to notify the municipal Comptroller, to begin and resolve, in conformity with the Law, an administrative proceeding to determine the responsibility incurred by municipal public servants involved in the present case, for omissions and irregularities that have been mentioned in the present document, informing, equally, this National Commission from its integration until the determination of the same.

Order the corresponding person to carry out the corresponding administrative procedures in order to cover the reparations of damages for the aggrieved in conformity with the law, in virtue of the consideration described in the observations chapter of this Recommendation, and send to this National Commission the certificates which accredit its completion.

Emit instructions to the corresponding person to implement the diffusion of the culture of respect for Human Rights, through publicity campaigns directed at the population in general, as well as through imparting training courses directed at the municipal public servants, and promote the set regulations so that elements of the policing bodies of that City Council preserve and guarantee the rights of journalists, the right to freedom of expression and of information, in order to avoid future incurrence of similar behaviors as the described in the present recommendation. Said actions must be executed in a periodic manner and their results and impact must be susceptible to mediation and revision.

Recommendation 52/2007

October 25, 2007

Case: Of the minors CSA and ERA

Addressee Authority: Federal Ministry of Public Security

On April 19, 2007, this National Commission received a complaint from the mother of the minor CSA, who stated that on day 15 of the cited month and year, during a family visit to her son, who was subject to treatment in the Center for Treatment for Males for the Ministry of Public Security, he let her know that three prisoners introduced a toothbrush into his anus, and in spite of having informed

the public servants from the indicated establishment of the acts, they did not present the respective denouncement and rejected giving the names of the aggressors.

Furthermore, on April 23 and 24 of this year, letters were received, signed by the minor ERA, then subject to treatment in the referenced Treatment Center, and by his mother, in which she affirmed that on March 31 of this year, two inmates tried to introduce a plastic spoon in the rectum of the minor ERA, pointing out that, as stated by a doctor attached to the site in question, it was known that there was not penetration and that the aggressors only caused the aggrieved a cut in the alluded anatomical zone; that, in the appropriate time, she did not notify the institution of such events, because the head of the establishment in question requested it, who also told her he would transfer her son to the Center for Integral Development for Minors.

As a consequence, the mothers of the victims formulated the respective denouncements before the Central District Attorney for Investigation of Sexual Crimes from the Public Prosecutor's Office of the Federal District, against those found responsible for committing the crimes to which the minors were subject, at the present time in integration.

From the analysis of the information gathered it was detected that authorities from the Male Treatment Center for the Ministry of Public Security transgressed against the Human Rights of the aggrieved to receive dignified treatment and integral protection, in light of the fact that the authorities did not comply with the obligation of guaranteeing the respect of their physical and mental integrity, nor of providing them the adequate conditions for their social and familiar reintegration, nor of protecting the higher interest of adolescence, as it was accredited that the adolescents CSA and ERA were sexually attacked by other inmates from the referenced establishment on March 31 and April 12, 2007, respectively, and that their mothers did not have immediate knowledge of the described behaviors, and even so, once they did know of the behaviors, only in on of the cases did they initiate the respective act and the behavior probably constituting a crime was not denounced before competent Social Representation nor before the corresponding Internal Control Organ.

Based on the above exposed, on October 23, 2007, this National Commission issued Recommendation 52/2007, directed to the Federal Ministry of Public Security, with the objective being to notify the Public Prosecutor's Office to initiate the corresponding preliminary inquiry with respect to the conduct referenced in the body of the referenced Recommendation; notify the corresponding Internal Control Organ in order to begin and carry out, in conformity with the Law, an investigation to establish the possible administrative responsibility incurred by the public servants from the Male Treatment Center involved in the described events; take the necessary measures to safeguard the integrity of the inmates of the mentioned establishment and avoid there being successive acts which affect their physical or mental integrity, and give psychological attention to the aggrieved, in observance of the higher interest of the adolescent and in the likelihood of them being victims of a crime.

Recommendation 53/2007

October 29, 2007

Case: Appeal by Mrs. Ambrosia Castillo Hernández

Addressee Authority: President of the Board of Directors of the LX Legislature of the H. Congress of the State of Veracruz

On February 9, 2007, this National Commission began the file 2007/53/4/RI, motivated by the appeal brought by Mrs. Ambrosia Castillo Hernández, against the non-acceptance of Recommendation 110/2006, on the part of the City Council of Xoxocotla, Veracruz, issued by the State Commission for Human Rights of Veracruz.

On January 5, 2006, by instructions from the Municipal President of Xoxocotla, Veracruz, and without mediating authorization of Mrs. Ambrosia Castillo Hernández, a group of persons was brought to the parcel of land in Tenexteyo, located in the community of Tenexapa, municipality of Xoxocotla, to carry out various works, in order to capture water for the communities of Tlilcalco, Tenexapa and Atlaxquila, all from the municipality of Xoxocotla.

Before this situation, Mrs. Castillo Hernández interposed a complaint in the State Commission for Human Rights, in Veracruz on January 13, 2006, upon the violation of her rights to legality and judicial certainty.

Derived from the logical-legal analysis done on the evidences that comprise the present appeal, this National Commission, noted violations of the Human Rights of legality and judicial certainty, on the part of the municipal President of Xoxocotla and of the Head Trustee from that City Council, in detriment to Mrs. Ambrosia Castillo Hernández and her lawyers, as well as of the Conciliator from the Public Prosecutor's Office and of the Ethnic Delegate in the Zongolica Region of the State Commission for Human Rights in Veracruz.

Due to the above, on October 29, 2007, this National Organism issued Recommendation 53/2007, directed to the President of the Board of Directors of the LX Legislature for the H. Congress of the State of Veracruz, in which it was recommended that he issues the necessary instructions to the corresponding person, to determine the responsibility that may have been incurred by the municipal president of Xoxocotla, Veracruz and the other public servants from that City Council who never responded to the request for reports by this National Commission.

To the Constitutional City Council of Xoxocotla, Veracruz, its is recommended that they issue instruction to the corresponding person to fully comply with Recommendation 110/2006, issued on December 5, 2006 by the State Commission of Human Rights, for Veracruz.

NATIONAL AFFAIRS

First Forum of Citizenry Consultation for the elaboration of the National Human Rights Plan for 2008-2012.

The First Forum of Citizenry Consultation for the elaboration of the National Human Rights Program was inaugurated by the Ministry of Government, Francisco Javier Ramírez Acuña, on October 10 of this year, wherein the National Ombudsman exposed some modifications that, by his judgment, are necessary in order to advance the culture of general observation of fundamental rights in our country.

The proposals are related to the functioning of public security, the criminal justice system, and to problems such as gender violence, attacks on journalists, torture and mistreatment, arbitrary detentions, installation and functioning of roadblocks and checkpoints, the rights of indigenous peoples and communities, migration, the right to the protection of health and the strengthening of the public organisms for defense of human rights.

Dr. Soberanes Fernández presented 13 points that ought to characterize the functioning of the public security system in Mexico, among those: integral coordination of the departments that make up said system, design of programs to prevent crime which come from an exhaustive knowledge of the criminal phenomenon, to reform the legal framework to cut crime, to encourage the culture of denouncement of crimes, to create an area for planning, criminological analysis and penitentiary intelligence, and to unite the penitentiary legislation.

In regards to the reform of the criminal justice system, the Dr. Soberanes Fernández considered that it should tend to overcome various bad habits from an authoritarianism that resides in the current legal framework, and impedes the criminal justice system from operating in an adequate manner, especially for the inquisitive faculties of the Public Prosecutor's Office. In this field, he mentioned 15 proposals for such a reform, which included modifying the structures of the public prosecutors' offices in the country, get started with instruments of control and rendition of accounts for the policing bodies responsible for investigating crimes, establishing specific responsibilities for the public servants in charge of investigating crimes, to include in the Constitution the principle of presumption of innocence and to guarantee the right of reparation of damages to the victims of crimes.

The National Ombudsman pointed out that there have been advances in the public policies oriented to the protection and defense of human rights of Mexicans, but there are issues which have not arrived and at times they have been left short; it is there that the Mexican State must put major emphasis so that the framework of protection offered by the non-jurisdictional system involves all.

INTERNATIONAL AFFAIRS

VI Common General Assembly of the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas.

Last October 25, the VI Ordinary General Assembly of the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas was carried out.

In the inaugural event, members of the Network of National Institutions were present, made up of representatives from the national institutions of Canada, Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Colombia, Venezuela, Ecuador, Bolivia, Peru, Paraguay and Argentina, including the General Secretary Dr. Soberanes Fernández, who pointed out that the respect and promotion of human rights experiences has advanced in various fields, but has still set backs in others. Moreover, he added, that the struggle against corruption and impunity has been and will continue being one of the fundamental lines of work for the Network of the Americas

Similarly, he specified that, in conformity with the "Paris Principles," the members of the Network work from a continental strategy to establish and promote, in the region, a culture of respect for human rights, to oversee that the states comply with their commitments and international norms, and contribute to the democratic development of the nations.

Dr. Soberanes Fernández sustained that a central theme of the activity of the Network is the protection of migrant workers and their families, for which this national organism has carried out many actions like the signing of the agreements of collaboration with the Public Prosecutors' Offices of Human Rights from El Salvador and Nicaragua.

Through indicating that the promotion and protection of the human rights of the indigenous people has occupied a large part of the work, he pointed out that the recent adoption of the United Nations Declaration of the Rights of Indigenous People, last September 13, will be the best instrument to give continuity to the work.

Present in the inaugural act, where awards and recognitions of winners of the 2007 International Indigenous Peoples' Rights Photography Competition were delivered, also were Dr. Jennifer Lynch, Canadian Commissioner for Human Rights and President of the International Coordination Committee for National Human Rights Institutions before the United Nations; Senator Rosario Green, President of the Foreign Relations Commission for the Senate of the Republic; Dr. Sergio García Ramírez, President of the Inter-

American Court of Human Rights; the Ambassador Luis Alfonso de Alba, Permanent Representative on Mexico before the International Organisms in Geneva; the Ambassador Juan Manuel Gómez Robledo Verduzco, Under Minister for Multilateral Issues and Human Rights for the Ministry of Foreign Relations, and Doctor Héctor Fix Zamudio, member of the Consultative Council of the National Human Rights Commission.

Within the framework of the VI General Assembly, a Panel on the National Monitoring Mechanisms of the International Convention on the Rights of Persons with Disabilities was carried out, whose corresponding Convention was ratified by the Mexican senate recently.

Participating in the works of this Panel were Dr. Michael Stein, professor from Harvard University with the conference "The International Convention on the Rights of Persons with Disabilities: innovating focus"; Dr. Gerard Quinn, member of the Commission of Human Rights from Ireland and focal point of the International Coordinating Committee for the issue of disability, with the presentation "National Human Rights Institutions and their role in monitoring the International Convention of the Rights of Persons with Disabilities"; Mr. Harvey Goldberg, representative of the Canadian Human Rights Commission, who gave the conference, "The Defense of Human Rights for Persons with Disabilities. Experience of the Canadian Commission of Human Rights; and Mr. Federico Fleischmann, Founding President of Libre Acceso A.C., who spoke on "The Role of Civil Organizations in Monitoring Human Rights of Persons with Disabilities".

DIRECTORY

Presidente

José Luis Soberanes Fernández

Primer Visitador

Raúl Plascencia Villanueva

Segunda Visitadora

Susana Thalía Pedroza de la Llave

Tercer Visitador

Andrés Calero Aguilar

Cuarto Visitador

Mauricio Ibarra Romo

Quinto Visitador

Mauricio Farah Gebara

Secretario Ejecutivo

Javier Moctezuma Barragán

Secretario Técnico del Consejo Consultivo

Jesús Naime Libián