

# NEWS LETTER

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### THE CNDH PRESENTED THE REPORT "LETHAL POLITICS, DEADLY WALLS. DEATH OF MIGRANTS IN THE SOUTHERN BORDER OF THE UNITED STATES"

When presenting the report Lethal Politics, Deadly Walls. Death of Migrants in the southern border of the United States" last 24 of September 2009, National Ombudsman José Luis Soberanes Fernández, revealed that fifteen years from the start of Operation Guardian" official data acknowledges 5,607 Mexicans who have died during that period when going undocumented into de United States of America, and therefore, the case should be recognized as an international humanitarian crisis. He underlined that during that time, the neighboring country has strengthened its migration policies as is demonstrated by the increase of security budget from six to 10.1 billion dollars, the 20,000 Border Patrol officers, the construction of 630 miles of new fencing around urban areas; 300 miles of vehicular fencing and a virtual fence with technological infrastructure.

Because of this facts, the National Commission demands that the governments of Mexico and the United States; attend the migratory phenomenon in a bilateral form, without it implying the infraction of the sovereignty of the two countries; that the problem of migration come back to the social, work and economic development agenda, and leave the police's agenda; that there be validity of the human and work rights of Mexican migrants in the United States, and that, an integral migration reform which offers regularization options for undocumented migrants that fulfill the requirements that the United States government should pre-establish, be pursued as well as legal possibilities of entry for workers through and ordered and secure migration.

The study, done by the CNDH and the American Civil Liberties Union (ACLU) of San Diego and Imperial Counties; analyzes the politics and practices of border security that have led to suffering and death of those who cross the frontier without documents; revises the impact of death in migrant families and communities; examines the governmental and civil organizations responses for preserving and protecting human life that moves through hostile territory and severe climate, and explores the principles and relevant laws regarding human rights as well as presenting recommendations for ending with this humanitarian crisis.

During a press Conference in which he was accompanied by the Fifth General Visitor Mauricio Farah Gebara, Dr. Soberanes Fernández underlined that the American strategy did not stop migration but that on the other hand it did cause the rise of the rates of human trafficking which attracted organized crime that now operated in the frontier zones. He added that simultaneously, such strategy forced migrants to take severe risks in deserts, rivers, mountains, and canals, affecting the circulation of migration, this being because most migrants now prefer to remain the United States rather than return periodically because of the difficulties of crossing.

After informing that from 2000 to 2008 the Mexican population in the United States went from 8.4 millions to 11.9, he mentioned that although the Border Patrol's efforts have saved many lives, it's important to ask if the solution is in reducing damage or in attacking the causes.

Furthermore, he explained that the undocumented flow of Mexicans to the United States has descended as a consequence of the economic crisis in the United States which has resulted in the reduction of work demand. None the less, he pointed out that the average of deaths in the frontier is more than one per day. He said that from January to July of this year, 306 migrants died and the Border Patrol has reported a raise of deaths in the Laredo, El Rio, Texas, Tucson and Arizona sectors.

In regards to this he said that "the families of migrants face complex and contradictory bureaucratic schemes in the finding of their lost relatives. There exists no central data base to locate them. The search of a loved one can last months or even years. In the case of undocumented migrants, it is estimated that only around 75 percent of the bodies or remains are identified." In their report, the CNDH and the ACLU propose to the American and Mexican governments the recognition of migrants death in the frontier as an international crisis and propose within a 100 day period; the transference of resources from the Border Patrol in the United States to rescue and search activities; the instruction to the governmental agencies to permit humanitarian organizations do their job, rescue lives and recuperate remains; the establishment of bi-national resource of emergency calls and rescue; the creation of a uniform system for all the agencies that recollect data; more compromise with transparency; give the death bi-national priority and the invitation of international involving in the subject. Furthermore, they propose within a one year period the adoption of humane migration policies and the support of nongovernmental efforts in the frontier, organizations that do work the government does not.

When referring to these anti-migrational measures in the United States, Dr. Soberanes Fernández underlined the absence of an integral migratory reform, that has permitted local authorities to start legislative action against migrants; The Customs and Migration office makes raids and detains undocumented migrants, when they should localize fugitive and dangerous aliens; and the section 287(g) of the Nationality and Migration Law has opened spaces for the local corporation of the police to make verification and migratory detentions, as well as the lack of training and attribution abuses of the personnel of these police institutions.

## RECOMMENDATIONS

The following is a recap of recommendations issued by the CNDH during the month of September. A complete version can be found on the Commission's official website.

Recommendation 54/2009

September 3 2009

Case: Of Mr. Valentín Arvilla Durán, in Ciudad Juárez, Chihuahua

Responsible Authority: National Defense Secretary

On the 11th of April of 2008, this National Commission received the complaint documents presented by Rocío Isabel Arvilla and Elia Roxana Zermeño Durán, in which they denounced violations to human rights derived from the detention of Mr. Valentín Arvilla Durán by personnel of the Mexican Army.

With motive of the cited happenings, this Institution initiated an expedient of complaint numbered CNDH/2/2008/1796/Q. Of the logical juridical analysis done with the evidences that they compromise, it was concluded that in the case, there was violations to the legality rights and juridical security, as well as the integrity and the personal security consisting in the arbitrary detention, illegal retention and torture against Valentín Arvilla Durán, these crimes are attributed to public servants of the 76th Infantry of the National Defense Secretary (SEDENA).

The 9th of April of 2008 around 3:00 a.m. elements of the Mexican Army arrived at the house of Mr. Valentín Arvilla Durán in Ciudad Juárez, Chihuahua, breaking in, threatening him and detaining him while covering his face; the military men checked his belongings and took a vehicle; they moved the offended to the installations of the 5th Military Zone, where he was retained for more than 60 hours, time during which he was incommunicated and tortured. These affirmations are proved by the declarations of the T1, T2, and T3, witnesses of the happenings and with the disposition through which the military personnel presented the detained to the ministerial authority, at 17:00 hours of the 11th of April 2008, in other words, more than two days and a half after the detention.

With the evidences that were attached to the expedient, this National Institution accredited that with the acting of the military personnel that on the 9th of April 2008 participated in the detention and retention of the offended, article 16 was ignored, first and fifth paragraph, of the Political Constitution of the United States of Mexico and with their conduct, precepts 7, 8 and the Federal Law of Administrative Responsibilities of the Public Servants in correlation with articles 2 and 3 of the Discipline Law of the Army and Air Force, by retaining him illegally and not putting him immediately to the disposition of the Public Minister of the Federation, retaining him of his liberty, they failed to act under legality principles, efficiency and the professionalism that their position requires them.

Also accredited was the excess in which public servants took part when illegally retaining the offended for 60 hours in the Installations of the Military Camp 5-C in Ciudad Juárez, Chihuahua, generating conducts that as well as being penalized by the Federal Law of Administrative Responsibilities, happened outside of the juridical framework that regulates the acting of the involved members of the Mexican Army violating individual rights of legality and juridical security, for the offended was treated like a possible criminal, and thus should have been put to the disposal of the Public Ministry immediately and not after 60 hours of his detention, retaining him in military installations, with which an illegal retention was produced that was demonstrated in the declarations of witnesses as well as in the document presented by the militaries. The offended remained retained in the installations till 5p.m. of the 11th of April 2008, when he was put in disposition of the Social Representation of the Federation that started the previous research.

Adding to that, Mr. Valentín Arvilla Durán was summoned to acts of torture with the object of him confessing his participation in diverse illicit acts, situation that should be accordingly investigated by the corresponding ministerial authority with the purpose of not permitting

impunity. This situation was accredited with the medical recognition done by personnel of this national organism, with the document on injuries and the medical certificate done by medical personnel of the General Attorney's Office.

For this National Commission, the elements of the Mexican Army that participated in the detention, retention and torture of the offended, transgressed articles 14, second paragraph, 16, first and fifth paragraph, 19, fourth paragraph, 20, A fraction II, 21, ninth paragraph and 22 first paragraph of the Political Constitution of the United States of Mexico; 1, 2, 6, second paragraph, 8, 9, 10 and 12 of the Inter-American Convention to Prevent and Punish Torture; 2, 3 and 5 of the Code Conduct for Functionaries in Charge of Executing the Law. Furthermore, in their qualities as public servants in charge of executing the law, they transgressed the rights prescribed in international treaties, like those mentioned in articles 7, 9.1, 9.3, 9.5 and 10.1 of the International Pact of Civil and Political Rights; 5, 5.1, 5.2, 7.1, 7.2, 7.5 and 8.2 of the American Convention about Human Rights, that in general terms states that all people have the right to security and personal integrity.

In consequence, this National Organism published on the 3rd of September 2009 Recommendation 54/2009, directed at the Secretary of National Defense in order for the required applications be filled for the reparation of physical, psychological and medical damage suffered by the offended; that the previous investigation be initiated and the administrative procedure of the corresponding investigation against the military personnel that intervened during the happenings; that the previous investigation be started; pertinent measures to be taken in to action so that it will not be repeated; that instructions be given so that military installation are not used as detention and retention centers, as well as that the elements of the Mexican Army be trained so that all action in which they take part be legal and with respect to human rights.

Recommendation 55/2009

September 3rd 2009

Case: Of Juan Ramón Durán Robles and José Guadalupe Rivas González

Responsible Authority: National Defense Secretary

On the 4th and 7th of April 2008 this National Commission received the complaints of Laura Ramona Perea Vega and José Guadalupe Rivas González, in which they declared alleged violations to human rights, derived from the detention of Mr. Juan Ramón Durán Robles and José Guadalupe Rivas González by the Mexican Army personnel.

With motive of the cited happenings, this National Commission initiated an expedient of complaint numbered CNDH/2/2008/1862/Q. the logical juridical analysis made with the evidence that forms part of it, got to the conclusion that there were violations to the legality rights, juridical security, integrity and personal security, consisting in the arbitrary detention, illegal retention, incommunication and torture against Juan Ramón Durán Robles and José Guadalupe Rivas González, by public servants of the 20th Motorized Cavalry Regiment of the National Defense Secretary (SEDENA).

Near 00:30 a.m. of the 30th of March 2008, José Guadalupe Rivas González and Juan Ramón Durán Robles were detained in the interior of the house of the latter, by personnel of the 20th Motorized Cavalry Regiment in Ciudad Juárez, Chihuahua, who submitted him to physical and psychological suffering with the goal of obtaining information related with diverse criminal acts. The offended where summoned to the dispassion of the Public Minister of the Federation of the Seventh Research Agency of the delegation of the General Attorney's Office in that city at 23:30 on the 2nd of April 2008.

With the evidences added to the file, this National Institution certified that with the acting of the military personnel that on the 30th of March 2008 participated in the detention and retention of the offended, content of article 16, first and fifth paragraph of the Political Constitution of the United States of Mexico was overviewed. Also transgressed with their conduct were precepts 7th and 8th of the Federal Law of Administrative Responsibilities of Public Servants, in relation with articles 2 and 3 of the Law of Discipline of the Mexican Army and Air Force having illegally retained them and having failed to immediately present them to the Public Minister of the Federation, impeding them of their liberties, and failing to follow the principles of legality, efficiency and professionalism their position requires them.

Also accredited was the excess in which public servants took part when illegally retaining the offended for 70 hours in the Installations of the 20 Military Regiment of Ciudad Juarez, Chihuahua generating conducts that as well as being penalized by the Federal Law of Administrative Responsibilities, happened outside of the juridical framework that regulates the acting of the involved members of the Mexican Army violating individual rights of legality and juridical security, for he was treated like a possible criminal, and thus should have been put to the disposal of the Public Ministry immediately and not after 70 hours of his detention, retaining him in military installations, with which an illegal retention as produced that was demonstrated in the declarations of witnesses as well as in the document presented by the militaries. The offended remained retained in the installations until 11.30p.m. of the 2nd of April 2008, when he was put in disposition of the Social Representation of the Federation that started the previous research.

Furthermore, Juan Ramón Durán Robles and José Guadalupe Rivas González were kneeled on the ground and kept with their eyes closed while being beaten in different parts of the body, they were also tied, plastic bags on their head so that they could not breathe, that is specially the case of José Guadalupe Rivas González, who was also given electrical charges in the right foot which ended in the

amputation of one of his toes, all of these which constitute acts of torture, with the objective of making them confess their participation in illicit acts, situation that should be appropriately investigated by the corresponding ministerial authority with the objective of not permitting impunity, this was accredited with the medical recognition made by medical personnel of this national organism, with a report on injuries and the medical certificate produced by the forensic doctor of the General Attorney's Office. For this Nation Commission, the elements of the Mexican army that participated in the detention, retention and the torture of the offended, transgressing articles 14, second paragraph, 16, first and fifth paragraph, 19, fourth paragraph, 20 part A, Fraction II, ninth paragraph and 22, first paragraph of the Political Constitution of United States of Mexico; 1,2,6, second paragraph 8, 9, 10 and 12 of the Inter-American Convention to Prevent and Punish Torture; 2, 3 and 5 of the Code of Conduct for Functionaries in Charge of Executing the Law. Furthermore, in their position as public servants in charge of executing the law, they transgressed the rights established by international treaties as are those mentioned in articles 7, 9.1, 9.3, 9.5, and 10.1 of the International Covenant of Civil and Political Rights; 5, 5.1, 5.2, 7.1, 7.2, 7.5, and 8.2 of the American Convention on Human Rights, that in broad terms mentions the right of people to security and personal integrity.

As a consequence, this National Organism published on the 3rd of September 2009 Recommendation 55/2009, directed at the Secretary of National Defense in order for the required applications be filled for the reparation of physical, psychological and medical damage suffered by the offended, as well as compensating Mr. José Guadalupe Rivas González, because of the loss of one of his right foot toes; That a previous investigation be determined GN/CD/JUAREZ/14/2008, in accordance to law; to initiate the administrative procedure of corresponding research against the military personnel that intervened in the happenings, included the military personnel because of the acts and omissions in which it participated during the happenings; that the administrative procedures and enquiry against the military personnel be initiated by the Inspection and General Controller Unit of the Army and Air Force, as well as the General Attorneys of Military Justice, for having hindered, hidden and given false information to this National Commission as well as the other acts and omissions specified in the observations chapter; that instructions be directed so that military installations be not used as detention and retention centers, as well as that elements of the Mexican Army be trained so that all diligence or act that they practice be with legality and respect to the human rights.

Recommendation 56/2009

September 11 de 2009

Case: Of minor Alejandro Castelblanco Aké

Responsible Authority: Mexican Institute of Social Security (IMSS), Constitutional Government of the State of Quintana Roo

On the 8th of September 2008, this National Commission received the complaint of Mrs. María Dulce Esther Aké y Escamilla from the Commission of Human Rights of the State of Queretaro, in the complaint she declared that in the month of July 2008, her youngest son aged 12, named Alejandro Castelblanco Aké, when playing with some friends was hurt in the eye, reason for which she took him to the clinic of the Mexican Institute of Social Security, where it was indicated that he had a strong hemorrhage and was prescribed some drops, as well as being told it was necessary to go to the urgencies section so that they could clean and bandage his eye, yet the doctor in the urgencies section said it wasn't necessary and that they could leave. She added that on the 20th of July 2008, her son presented the following symptoms: high fever, sore throat, and tachycardia, reason for which he took him to the general Hospital of Cozumel which depends of the Health Secretary of the State of Quintana Roo, where he was taken blood samples and in the morning of the 21st of the same month was discharged, without being given the results of the tests taken; nonetheless, when home, and having realized his son did not get better they returned to the same hospital where he was put oxygen and once again discharged.

She indicated that on the 21st of July 2008 her son Alejandro Castelblanco Aké was seen by a private doctor who diagnosed a throat infection for which reason he had to be taken to the Social Security to be studied in this case they attended the IMSS Clinic at Cozumel, Quintana Roo, where doctor SP1 diagnosed him with pharyngitis and did not require hospitalization nor medical studying.

She said that on the 22nd of July 2008 she took her minor son to a private clinic where studies were made that diagnosed him with lymphocytic leukemia and was told to immediately take him to the Social Security, but when arriving doctor SP2 decided to send him to the IMSS of Merida, Yucatan where he was received the 23rd of that same month and went on to intensive therapy on the 24th at 1:15 p.m. where he passed away. It is because of this that she solicited this National Commission to investigate the case.

From the logical juridical analysis made to the evidences that make up the started file, with motive of the complaint by Maria Dulce Esther Aké y Escamilla, this National Commission, counted with elements that permit to prove violations of the right of health protection towards patient Alejandro Castelblanco Aké, by the Mexican Institute of Social Security and the Health Secretary of the State of Quintana Roo, having the Health Secretary and the State Services General Director of the State of Quintana Roo, sent a report about the medical attention that was proportionate to the offended in the General Hospital of Cozumel in this federal entity, as well as a copy of the clinical report file of the patient, in which he précised that on the 20th of July 2008 Alejandro Castelblanco Aké was signed in to the hospital where he was first viewed by doctor SP3, who determined as a first diagnose probable acute bacterian pharyngitis and urinary infection, and possible kidney failure as is also specified in the respective clinical file.

Afterwards, the opinion of doctor SP4, specialized in children who is ascribed to this dependence was asked and instructions were given to make a general urine exam and an full blood count; the studies made of the general exam of urine, revealed leukocytes,

ketone bodies, and proteins out of their normal parameters, so Alejandro Castelblanco Aké was treated with peniciline proicanic and febrax, in the indicated doses.

Nonetheless, it was précised that Mrs. María Dulce Esther Aké y Escamilla was asked that the patient take a full blood count study and to come back once she had the results; also she was explained that these studies where necessary to have a clearer idea of the symptoms that minor Alejandro Castelblanco Aké presented; the results of the urinary tests were delivered to her and the patient was discharged with the objective of him attending one of the clinics that exist in Cozumel and which have the adequate instruments to make a study of this type, due to the fact that the hospital in Cozumel, dependant of the Health Secretary is level 2 in attention, and therefore lacks the elements necessary to do the study.

Afterwards, at 01:30 a.m. Mrs María Dulce Esther Aké y Escamilla, returned with the patient, who was signed in, given oxygen, and once more Mrs. Aké y Escamilla was told that it was necessary to do a full blood count test due to the fact that the General Hospital of Cozumel could not do such tests because it did not have the technology.

Because of this, a medical opinion from the Coordination of Partial Services of this National Commission was required, in which it was indicated that the medical attention given to Alejandro Castelblanco Aké in the General Hospital of Cozumel , a dependence of the Health Secretary of the State of Quintana Roo was inadequate because:

When being revised in "urgencies" at 11:00 pm and 12:45 a.m. on the 20th and 21st of July 2008 respectively by doctor SP3, who made the diagnosis of severe pharyngitis, probable infection of urine ways and severe kidney failure (Demonstrated by the general exam of urine), the referred doctor omitted to make an interrogation and further exhaustive exploration to document the kidney failure that it itself established (severe problems, being this the case of a child) because of which it was necessary to keep the patient hospitalized while being studied; It is remarkable that in the report given by the Health Secretary and General Director of State Services of Health of Quintana Roo it was indicated that the complete blood count was never made, nonetheless on the study of the clinical file the information was that blood chemistry exam was the test that was missing because the hospital did not have equipment, situation that is contradictory, being the General Hospital of Cozumel a second level one, it should have a clinical laboratory that has enough equipment to assure it working twenty four hours all year long and taking care of the requirements of the urgency system in which case the patient should stay twelve hours during which initial diagnostic and prognostic should be established to indicate if the patient should return home, be hospitalized or moved to another health unit of major medical capacity. It is because of this that is concluded that the hospital did not follow that signaled in the Official Mexican Norm NOM-206-SSA1-2002, regulation of the health services that establishes the ways of functioning and attention in the urgency systems of the medical attention establishments.

Thereof, they failed to compel with the recommendation issued by the National Commission, in the General Recommendation number 15, that established the right for health security, demanding the essential need for the progress and agreement of a democratic society, that requires the planning of public policies and national programs that allow the establishment of infrastructure and the creation of human resources to bring an efficient and excellent health service throughout the country.

Furthermore, the medical opinion expressed that if the blood composition was examined with the proper method, an accurate diagnosis and a satisfactory medical treatment would have been possible, bringing more opportunities for the patient's recovery, situation that was neglected by the hospital due to their inefficient equipment.

Therefore , the medical assistance given in the Specialized Medical Center branch of the National Institute of Social Security in Mérida, Yucatán, was inadequate ever since the admission of the patient to the Medical Center at 12:30 pm by the doctor SP5 to the Hematology Service, where he was found to have medical and laboratory records, confirming the diagnosis of leukemia retention and a probable infection process, the hospital neglected the administration of antimicrobial tests and an immediate transfusion to prevent a hemorrhage, in spite of the fact that during the treatment for an acute leukemia the two most important things to be corrected are the infection and the hemorrhage, as well as that the severe anemia and low blood platelet symptoms which were presented by the patient are medical emergencies that put the patient's life in risk and required immediate medical assistance. Since the patient was not attended in a proper way, he suffered internal bleeding from the lungs which lasted for 11 hours until he died; these facts confirmed the mall practicing of the hospital staff. In spite of the family's insistence for a pediatric hemorrhage exam, it was never performed, also omitted was the submitting of a medical record or file, a complaint, the neglected actions portrayed in the hospital are inexplicable, it being a Specialized Medical Center.

Consequently, the medical evaluation record indicating that the diagnosis of acute myelogenous leukemia was determined by a private doctor, when it should have been diagnosed in the General Hospital of Cozumel branch of the Secretary of Health or in the General Hospital of the County Number 2 of Family Health branch of the Mexican Institute of Social Security in Cozumel, Quintana Roo, situation that was mislaid by the medical authorities.

In fact, the mall practicing of the doctor SP3, member of the General Hospital of Cozumel, branch of the Secretary of Health of the State of Quintana Roo, is evident, as well as that of the personnel of the Medical Specialized Center branch of The Mexican Institute of Social Security in Merida, Yucatan, neglecting acts 47, fraction I of the Administration Law for State Public Servant and 8th, fraction I and XXIV of the Federal Law Administrative Responsibilities for Public Servant, that established the commitment of public employees

to compel with their assignments and skip over any act that caused suspension or failed to fulfill a legal regulation or any administrative rules relative to the public service.

According to this matter, the National Commission of Human Rights submitted Recommendation 56/2009, to the General Director of the Mexican Institute of Social Security and the Governor of the Constitutional State of Quintana Roo, recommending the following points:

To the General Director of the Mexican Institute of Social Security to draw instructions to the Internal Office to investigate the responsibilities of the medical staff who were in charge of the medical treatment of the minor Alejandro Castelblanco Ake and determine according to law, as well as sending to this National Commission the acts that confirmed their actions in accordance with the law, to instruct to whom it may concern to take the correct measures so that the personnel of this Institute will give a proper diagnosis and offer proper assistance to the public and to abstain from malpracticing in acts like the one referred above, to draw instructions to whom it may concern in the compensation payment to the suitable parties involved and to inform this National Commission about the actions compelled.

To the Constitutional Governor of the State of Quintana Roo, to inform whom it may concern in the Internal Office of the Secretary of Health of the State, in order to initiate and determine, in accordance to law, the administrative procedure and investigation against the doctor SP3, undersigned to the General Hospital of Cozumel of the State of Quintana Roo, who gave medical assistance to the minor Alejandro Castelblanco Ake, and keep this National Commission informed of the registered advances until the final resolution. To draw instructions to whom it may concern in the General Hospital of Cozumel of this county to provide with the appropriate infrastructure and the required equipment to guarantee medical assistance and a proper organization of the referred hospital, as is established in The Mexican Official Act NOM-197-SSA1-2000 which establishes the Minimum Requirements of Infrastructure, Equipment of Hospitals and Health Care Centers of Specialized Medical Attention and the Mexican Official Act NOM-206-SSA1-2002, and Regulations of Health Care Assistance. Act that refers to the methods and special treatment of the Medical Urgency Assistance to prevent malpractice as referred above and send to this National Commission records that certified the accomplishments of these actions.

Recommendation 57/2009

September 14, 2009

Case: Of Mr. Agustín Miguel Badillo Cruz, Ana Lilia Pérez Mendoza, members of the journal "Contralinea"

Responsible Authority: The Supreme Court Justice of the State of Jalisco, the General Office of Mexican Oil Company

On September 12th of 2008, Ana Lilia Perez Mendoza, Marcela Yarce Viveros, Nydia Egremy Pinto and Agustín Miguel Badillo Cruz, submitted a complaint to the National Commission presuming violations of human rights and offenses against the employees of the International Corporation of Media S.A de C.V who issues the journal "Contralinea" and "Fortune, Business and Finances".

As for the legal analysis and the file the complaint number CNDH/5/2008/4462/Q, this National Commission certified the violations of human rights of legality and legal protection and defense, equality, freedom of speech, in offense to Ana Lilia Perez Mendoza, Agustín Miguel Badillo Cruz, and the members of the journal "Contralinea".

The names of certain people, referred in the body of this recommendation are in a code to protect the information revealed.

In the present case, this National Commission certified the irregular administrative procedures committed by the personnel of the Thirteen Civil Jury of Guadalajara, Jalisco, that violate legal guarantees, legal protection as the right for a civil procedure.

Therefore, this National Commission warns that the different complaints promoted by the private sector and companies belonging to the same corporation who had filed different legal instances against the irregular administrative procedures detected, may also be the indirect cause to neglect freedom of speech due to the fact that they practice journalism.

In order of the facts referred, regarding the administrative irregularities, this National Commission certified that the offense committed to the reporters violates their human rights to legality and legal protection, established in act 14, second paragraph and act 16 first paragraph of the Constitution of the United States of Mexico, as well as acts 14.1 and 26 of The International Covenant of Civil and Political Rights, and act 24 of American Convention of Human Rights, that imposed the responsibility to the Mexican State to respect the right of a legal procedure as to legality and legal protection.

In addition, this National Commission certified that Mexican Oil Company does not establish clear and transparent procedures and judgments and practices discriminatory procedures assigning the official advertisement.

Thus, the information submitted to this National Commission, revealed that in the official advertised contract canceled to the journal "Contralinea" by Mexican Oil Company, it omits to explain objective judgments concerning the coverage, circulation or time period to justify the contract cancellation.

Furthermore, it was certified that the absence of procedures, clear and objective judgments, transparency, and non discrimination conduct by the Mexican Oil Company in the submission of the official advertisement, presumes the possibility of discretionary practices in the distribution of public resources with the purpose to commend or punish the media depending on their editorial opinion, this conduct affects news pluralism and the public debate essentials elements of a democratic society, it also violates human rights, equal opportunities , legal protection and freedom of speech.

Consequently , this National Commission presumes that the public employees of The Mexican Oil Company, by their misconduct, omitted to observe act 134 ,paragraph seventh of the Constitution of the United States of Mexico, that imposed the obligation of the public employees to apply impartially the public resources that are under their responsibilities; 7 and 8 fraction I and XXIV, from the Federal Law of Administrative Responsibilities of Public Personnel; as other regulations established, in offense of the reporters of "Contralinea" journal, lawful, legal protection and rights proclaimed in act 14,second paragraph and 16, first paragraph of the Constitution of United States of Mexico; 14.1,17.1,17.2, The Agreement of Civil and Political Rights and 8.1,11.1,11.2.11.3 and 25 of the American Convention about Human Rights.

Therefore, the illegal violations portrayed to the reporters of "Contralinea" journal, humans rights and freedom of speech, established in act 1, third paragraph, 6 first paragraph,7 first paragraph and 134 paragraphs first, seventh and ninth of the Constitution of the United States of Mexico; 2.1,26 from the International Agreement of Economic, Social and Cultural Rights; 24 of the American Convention about Human Rights, as principle 5 of the Declaration of Principles of Freedom of Speech as an instrument of interpretation of act 13 of the American Convention about Human Rights, that established that freedom of speech can not be restricted by indirect conduct or by any other conduct that obstructs the communication and circulation of ideas, opinions, or restrains to broadcast ideas or information.

In summary of the information above, this National Commission, on September 14 of 2009, submitted Recommendation 57/2009 to the Supreme Court of Justice of the State of Jalisco and to the Director of the Mexican Oil Company, requiring the first to file and investigation on the report 905/2007 in the Civil Court Justice 13th in Guadalajara, Jalisco and to take proper discipline actions for this misconducts. And therefore to submit to the Committee of Court Justice from the State of Jalisco in order to implement the correspondent discipline actions to prevent that the practice of any indirect procedure that becomes a legal harassment against freedom of speech in terms of act 148 Bias fractions XVI of the Organic Law of the Judiciary State of Jalisco. To the General Director of The Mexican Oil Company to instruct Mexican Oil Company to install objective, clear and transparent judgments and non discrimination conducts assigning the distribution of official advertisement in press and electronic media.

Recommendation 58/2009

September 17, 2009

Case: The Minor M1

Responsible Authority: The Mexican Institute of Social Security (IMSS)

The National Commission of Human Rights submitted Recommendation 58/2009 to the General Director of the IMSS, Daniel Karan Toumeh, for the case of a four year old minor who was a victim of a sexual assault by the staff of this medical institution, minutes before he entered for a surgery. The minor was deeply harmed, and "suffered a psychological damage that might be irreversible" and presented emotional disturbance in his conduct, cognitive behavioral, phobia and traumatic reactions. The legal department of the IMSS tried to cover up these misconducts.

On January 22 of this year- in accordance to the complaint made by the minor parents – the boy entered the West Medical Center of the IMSS, in Guadalajara, Jalisco for a surgery because he suffered a complex problem of Sindacatilia, his finger was attached to the other finger as were his left toes. As he left the operating room, his parents noticed the boy's anus was dilated, but because he was under the anesthesia he did not have any pain until January the 25th when the boy said someone had applied him an injection, it was then that the parents assumed his son was a victim of a sexual harassment.

The parents took the boy to the Red Cross, after being suspicious of the IMSS staff, they were referred to the Medical Examiner Service, were they submitted a complaint that was sent to the General Attorney of Justice from the State of Jalisco, who determined that the minor suffered a sexual violation. The offender was localized, recognized and brought to the authorities.

The CNDH considered this case a very serious matter, for the damage portrayed to the victim, and to society in general, since the offender was a public servant assumed to be a trustworthy person and an honorable public servant who offered his services to the public.

Interdisciplinary personnel specialized in legal matters, doctors and psychologist members of the CNDH determined that the public servant referred, and regarding his duties in the Medical High Specialized Center of the Pediatric Hospital from the Medical National West of the IMSS, violated the rights of the minor essential growth, his dignity and his physical, psychological and social integrity. The victim declared, to the public attorney on January 25th. He said "the person who offended him, took him to a room that had two huge lamps and told him he was going to put an injection" afterwards, a nurse gave him an injection and that all he remembers. They practiced an exam to the victim by an official expert from the Jalisco National Institute of Forensic Science who declared "the presence of recent marks of physical violence..."

The next day the mother of the minor went to the legal office of the hospital accompanied by the court clerk specialized in minor crimes, to solicit information about the staff that worked on the day of the crime.

The minor and his parents recognized the offender; the ministerial authority ordered his presentation and detention and was confined to the legal authority on January 28 of 2009.

From the psychological study practiced to the victim, an expert from de CNDH concluded that the minor suffered emotional, cognitive, phobia and traumatic reactions--- manifested in misconducts, sleeping problems and anxiety--- as well as clinic indications caused by the victimizing facts and evident perception in the minor of a deep and irreparable damage in itself and with his parents, characteristic in cases of sexual abuse.

From the irregularities detected, that concerning the Director of Legal Affairs in the UMAE from the referred Hospital who attended the victims and knew about the illicit act but omitted informing his superiors as well as the Office of Internal Control of the situation, stands out. It was not until February 11th, when the Director of the UMAE informed The Internal Audit, Claims and Responsibilities Office in the Local Office of Jalisco, when he found out that the accusation was published in different newspapers.

Public servants from that Hospital mentioned that in that date everything seemed normal and that the minors are always in custody of the Institute's staff as well as their parents or relatives, which showed the negligence of the staff to protect the integrity of the minor and their irresponsible attitude to their duties.

In spite of the fact that the IMSS compromised to give medical and hospital attention to the minor and his family this was never compelled, they argued there was mistrust and rejection in the family attitude, but nonetheless they failed in giving them options or proposals for the victims of medical attention in other medical centers or with independent professionals.

In Recommendation 58/2009 the CNDH submitted to the General Director of the IMSS to repair the damage done to the minor, to give him medical and physiological support until his recovery as well as to his parents, as well as to inform to the Internal Center of Control branch of the IMSS about the irregular conducts of the hospital staff, to evaluate the parties involved in the case, the position they attend and their profile, to guarantee a decorous and dignified behavior to the patients, specially to minors. Also to establish administrative guidelines at a national level to prevent the repetition of the acts referred above, to support the relatives of the minors in diligence investigations and to contribute with the attorney's agency with the necessary elements of evidence.

Recommendation 59/2009

September 18th, 2009

Case: Of the detention of eight people in the Cemetery of Villa Ahumada, Chihuahua

Responsible Authority: National Defense Secretary

On the 8th and 9th of April of 2008, this National Commission, received a complaint by Mrs. Suleica Contreras Hernández, María Hernández Trujillo, Verónica Rodríguez Carrillo, Celia Hernández Llanas y María Elena Barrón Guadian, presuming violations of human rights from the detention of Mr. Héctor Adrián Barrón Barrón, Lorenzo Gallegos Rodelo, Lorenzo Gallegos Valdez, Salvador Mendoza Rodríguez, Jorge Adrián Ortega Gallegos, Manuel Rojas Rodríguez, Omar Trevizo Andazola and Jesus Manuel Valdez Marcial.

Because of the referred acts, this National Commission initiated complaint number NCHR/2/2008/1742/Q. From the legal analysis studied with the evidences filed, the Commission came to the conclusion that in this case there were violations to the legal rights, legal protection, integrity, personal protection for the arbitrary detention, illegal arrest, solitary confinement and torture, in offense of the parties mentioned, attributable to public servants of the 76/0 Infantry Battalion of the Secretary of Defense.

On April 8th of 2008, at 18:00 hours, soldiers of the Mexican Army arrived to the Villa Ahumada, Chihuahua Cemetery, were they were burying Mr. Gerardo Gallegos Rodelo. The soldiers encircled the area and held back the people that were in the area, they proceeded to arrest and beat the victims, and took them to the military facilities of the 5/a Military Zone Were they were detained for more than 24 hours, during that time they suffered solitary confinement and torture. The statement was corroborated with the declarations and the disposition of the militaries of the victims to the ministerial authority, at 19:00 hours of the 9th of April of 2008, it means, more than 24 hours later after the detention.

With the evidences filed, this National Institute certified that the military actions dated on April 8, 2008, omitted to observe the contents of act 16, first and fifth paragraph of the Constitution of the Mexican United States and with their conduct they transgressed the precepts 7 and 8 of The Federal Law of Administrative Responsibilities of Public Servants in relation with act 2 and 3 from the Law of Discipline of the Mexican Army and Air Force, in view of the fact they were illegally detained and without taking them to the federal public defender and false imprisonment, their actions omit to respect the principles of legality, efficiency, professionalism that requires their position.

Also certified, were the excess incurred by the public servants by illegally detaining the victims for more than 24 hours in the military facilities of Military Camp 5-C, in City of Juarez, with conducts sanctioned by the Federal Law of Administrative Responsibilities of the Public Servant, far-off the legal framework that rules the conducts of the recruits of the Mexican Army involved, violating the bill of rights of legality and legal certainty, because they were considered active offenders of the crime, they should have been detained by the public attorney immediately and not after 24 hours from their detention, producing an illegal arrest sustained by the declaration and the report made by the militaries. The victims were detained until 19:00 hours on April 9th of 2008, when they were taken to the Federal Social Delegate, who confined the preliminary research.

Consequently, the victims were submitted to torture, threats, and injuries. They had electric shocks, they were put plastic bags in their heads, so they were not able to breath, to make them confess different illicit acts, situation that must be investigated by the ministerial authority.

To omit the impunity, certified by the medical reports issued by the forensic medical personnel of the Attorney General.

For this National Commission, the elements of the Mexican Army that participate in the detention and arrest of the victims and torture, violating act 14 second paragraph, 16 first and fifth paragraph, 19 4th paragraph, 20 Section A, fraction II, 21, ninth paragraph and 22, first paragraph, of the Constitution of the United States of Mexico, 1, 2, 6, second paragraph, 8,9,10 and 12 of the American Convention to Prevent and Punish Torture, 2, 3 and 5 from the Conduct Code of Public Servant. As Public servants they should accomplish the law, transgender acts 7, 9, 1, 9.3.9.5 and 10.1 from the International Covenant of Civil and Political 5, 5.1, 5.2, 7.1, 7.2, 7.5, y 8.2 d The American Convention of Human Rights, that sustains that every human being has the right to be protected and maintain their personal integrity.

In consequence, this National Office submitted on September 18th,2009, the Recommendation 59/200, subscribed to the Secretary of National Defense to begin with the necessary procedures to repair the physical, physiological and medical damage portrayed to the victims, to initiate the preliminary research and the administrative procedure of investigation against the military personnel who intervened in the facts, to adopt the proper measures to guarantee the diligence and conduct within the law and respect the human rights , and instruct so the militaries facilities will never be used as detention centers, or for arrest or torture.

Recommendation 60/2009

September 29th, 2009

Case: Appeal of Mario Humberto Dávila García, legal representative of Diario A.M.

Responsible Authority: Constitutional Government of the State of Guanajuato

In the news paper Diario a.m., which is in circulation in the State of Guanajuato, July 8th, 2007, an open letter was published "A nuestro lectores" in which that media pointed out that in June of the same year, the Constitutional Governor of the State of Guanajuato, ordered the suspension of all government Publications in both newspapers a.m. and Al Día, as a measure to impose restrictions on freedom of speech, July 10th of the same year. The Human Rights Commission of the State of Guanajuato, started the official file 280/07-O, for presumed violations to human rights, based on illegal exercise of public function, attributed to the Constitutional Governor of the State of Guanajuato.

When the transaction of file 280/07-O was concluded, the Human Rights Commission of the State of Guanajuato established that during the months of June and July, there had been reduction and omission of official information from the State of Guanajuato's Government through the Social Communication Coordination, ,without previous justification for the suspension of advertisement in the newspapers a.m. and Al Dia., This made clear the lack of objective criteria in the distribution of official paid information which is a way to indirectly affect freedom of speech. This is the reason why, on April 17, 2008, the following recommendation was made to the authority:

UNIQUE. "The Human Rights Commission in the State recommends that Juan Manuel Oliva Ramírez, Constitutional Governor of the State of Guanajuato, provides so that the departments and agencies of the State Executive, under his jurisdiction, establish clear criteria , fair, objective and non-discriminatory in determining the distribution of official advertising, under the premise that the imposition of restrictions on freedom of expression only supports subsequent liability, thereby bypassing the update as in the case of violations indirectly derived from the exercise of discretion, which is recommended for the same way to publicly disclose the criteria they use those decisions taken at government level to distribute the advertising of the state, the above based on the arguments made at the fourth consideration of this resolution, which itself is reproduced in obvious duplication. "

The Governor of the State of Guanajuato responded to the above recommendation, stating its non-acceptance. On June 4th, of the same year, the complainant presented the dispute appeal before the local agency that protects Human Rights. On June 11th, 2008, this National Commission received from the Human Rights Ombudsman of the State of Guanajuato, the notice of appeal, which expressed his dissatisfaction for the non acceptance of the Recommendation issued by the local Human Rights organization. On June 14, 2008, The National Commission filed the dispute appeal CNDH/5/2008/161/RI and requested a report from the Governor of the State of Guanajuato. July 16, 2008, the Governor of the State of Guanajuato was kind enough to give away the information required by the National Commission.

From the analysis of the evidence, which is part of the record, the National Commission regarded as consistent with the law the arguments expressed in the Recommendation issued by the Human Rights Commission of the State of Guanajuato on April 17, 2008 and confirmed that the Government of the State of Guanajuato, through the Social Communication Coordination suppressed and reduced government advertising previously given to the newspapers a.m. and Al Dia, as an indirect means of affecting freedom of speech according to the first paragraph of Article 6, and Article 7 of the Mexican Political Constitution, article 19 of the Human Rights Universal Declaration and article 13 of the American Convention on Human Rights.

In this sense, the National Commission found that the lack of clear, objective, transparent and non discriminatory procedures and criteria, on behalf of the government departments and agencies of the State of Guanajuato in the distribution of official advertising, open the possibility of incurring into discretionary practices for the allocation of public resources in order to reward or punish media according to their editorial line, which violates human rights regarding freedom of speech and the right to be informed of Guanajuato's society.

Also, this national body established that the reasons for not accepting the recommendations issued by the Human Rights Commission of the State of Guanajuato on April 17, 2008, and the arguments presented to consider the appeal inadmissible, are not valid for the mere reasons and motivations outlined in document Recommendations and concludes that the resolution of the local agency is consistent with the law, having established that as far as the social media policies are concerned, the State of Guanajuato, through the Social Communication Coordination, infringed the right to access of information when it became apparent the suppression and substantial reduction of official advertising in newspapers a.m. and Al Dia, without sufficient legal justification and within the circumstantial framework of the conflict between the Secretary of Government of Guanajuato and the General Director of the newspaper a.m., which is why it is considered necessary to have clear criteria, fair and nondiscriminatory for determining the distribution of official advertising.

Accordingly, this National Commission, based on Article 66, paragraph a) of the Act of the National Commission on Human Rights confirms the recommendation issued on April 17, 2008 by the Human Rights Attorney's Office of the state of Guanajuato, and therefore made the Governor of the State of Guanajuato, the following Recommendation:

UNIQUE. Instruct the appropriate in order for the Recommendation, issued by the Human Rights Commission of the State of Guanajuato on April 17, 2008 to be followed in all aspects and report to this Commission for compliance.

Recommendation 61/2009

September 30, 2009

Case: Of A1 and A2

Responsible Authority: National Defense Secretary

On September 19, 2008, this National Commission received a written complaint submitted by Q1, which asserted alleged human rights violations, which took place August 24th, 2008, when hooded elements of the Mexican Army, with no search warrant or arrest, broke into his home in Ciudad Juarez, Chihuahua. Next, they proceeded to kneel down A1 taking aim with rifles, then took him prisoner; also robbed various valuable objects, cash and a vehicle which belonged to A2.

Also, he mentioned, that once they had pulled out of his home, he, along with his workers, followed them in order to locate the whereabouts of A1. He realized that the Mexican Army enter violently A2 home, and as previously, they damaged the house and took A2. It was not possible to follow them because of the threats received by the military elements.

He added that on August 25th, 2008, he was able to see the aggrieved ones at the premises of the Attorney General Office in Ciudad Juarez, Chihuahua.

Also, he said that a deputy inspector of the State Human Rights Commission found that A1 and A2 had wounds in various parts of the body and that they were transferred on board a light Aircraft at 02:00 pm on August 26, 2008 to SIEDO facilities in Mexico City.

Meanwhile, on September 23rd, 2008, A1 told staff from the National Commission, that on the morning of August 25th, 2008, after he was arrested inside his home by public servants of the Mexican Army, he was transferred to an unknown place where they removed his clothes, his underwear, slapped him, punched him in the head, doused him and gave him electric shocks in the back, forearms and legs, in addition, he was beaten with a wet belt on his soles.

A2 said that they took him to the same place A1 was taken to, where he was also beaten by those same public servants who gave him electric shocks, and put his head in a plastic bag and poured water into his nose.

In the present case and opposite to the statement made by the complainant and the aggrieved, is the content of the way they appeared before the authorities, and the legal report of August 25th, 2008, signed by the infantry sergeant SP1, Lance Cpl SP2 and SP3 infantry soldier, assigned to 96/o. Infantry Battalion of the Ministry of Defense in support of "Operation Ciudad Juarez" in Ciudad Juarez, Chihuahua, which shows that at approximately at 04:00 hours the same day, while driving around Bravos District, Chihuahua, they

noticed two trucks, A1 and A2 were chatting next to the them. As soon as they noticed the presence of these public servants they tried to get into the vehicles, but they were asked to stop in order to be inspected. Inside one of the vehicles, owned by A2, they found a firearm and several packages made with cinnamon tape which were filled with marijuana weighing approximately nine kilograms. Also, inside the other vehicle ,owned by A1, was found a bag of marijuana weighing approximately two kilos, a plastic bottle with 20 doses of cocaine and two handguns, a shotgun and a revolver; also three pairs of pants and a military shirt, jungle camouflage color, two band radios, a box containing 38 cartridges of 44, caliber, thereby shaping the ends of the fifth paragraph of Article 16 of the Constitution of the United Mexican States, which states, that in cases of flagrante crime, any person may arrest the accused and without delay most appear before the immediate authority and immediately alter before the Public Ministry.

Furthermore, from the Conference sustained with the personnel of the National Commission on the 23rd of September 2008, the offended said they were undressed, beaten, hit ,given electric shocks in their backs, legs and arms, they were also hit with a wet belt in their feet and asked if they knew NI, responding that they did, that he was detained in the penitentiary of the federal district but did know in which or what he was charged for, they also asked the whereabouts of N2, but when they respond that they did not know him or knew where he was, they were given more electric shocks and then beaten.

Taking into consideration the injuries presented by the victims, and their declaration as well as the specialized medical reports and the considerations referred above, this National Commission declared that the victims were tortured, which is a violation of high treason which implies an attempt to the right of human beings, respect of their physical and physiological integrity as well as their dignity, thereby by that conduct they violated the contents established in acts 14, second paragraph, 16 first, fifth, and eleventh , 19 fourth paragraph, 20 section A fraction II, 21 ninth paragraph, 22 first paragraph, of the Constitution of the United States of Mexico.

Likewise, acts 1,2, 6 second paragraph , 8,9,10 and 12 Of the American Convention to Prevent and Punish Torture, 2,3 and 5 from the Conduct Code for Public Servants in charged to compel with the Law, that indicates every human being has the right to be respected in their physic, physiological and moral integrity and the servants mentioned above may only use their power when it is strictly necessary in as much as it is required in their duties, as it is referred in numeral 6 of the Principles for the Protection of persons subject to Imprisonment or Custody.

Therefore in their position of public servants responsible to obey the law the militaries violate the principles rights established in internationals treaties as the ones mention in act 7,9.1,9.3,9.5 and 10.1 of The International Covenant of Civil and Political Rights, 5,2,5.2,7.1,7.5. And 8.2 from the American Convention of Human Rights, that in general terms established that every human being has the right to security and personal integrity. In referred to this principle it establishes the right of every person not to suffer physical transformations in their body structure, their physiognomy, physiology or physiologic or any other alteration in their organism that might leave a temporary or permanent mark, that causes serious pain or suffering as a cause of an interference or an illicit activity portrayed by a third party.

Due to the acts referred above, this national Commission issued Recommendation 61/2009 issued to the Secretary of Defense, that recommends instructing the repairing of damages portrayed to A1 and A2 giving physiological and medical support and the necessary rehabilitation to recover the physical and psychological health of the victims to the state it was before the violation of their human rights, and must inform this institution of their results, to instruct the General Attorney of the Military Justice the considerations detailed in the observation chapter of the present document as to analyzed the previous research that were initiated by the previous research AP-PGR-CHIH-Juarez-1109-08-IV made by the public defender of the Federation subscribed to the Specialized Center on Crimes Against Health in the document CGC-8738-2008 on October 29th, 2009 referred to the injuries presented by the victims, to instruct The Center of Inspection and General Comptroller From the Mexican Army and Air Force as to begin the administrative procedure of investigation against the military personnel in the objective facts of this recommendation and to inform this National Commission from the beginning to the conclusion of the procedure, as well as the resolution issued, to instruct whom it may concern so the military personnel 96-0 Infantry Battalion in support to Operation City of Juarez , in the city of Juarez, Chihuahua, be trained so every diligence or activity is practiced legally and with respect to human beings, guaranteeing the respect for life, personal integrity , omitting torture, cruel behavior, cruelty and humiliation and to keep this National Commission informed, to instruct a training program in the special unity of the Secretary of National Defense to prevent that personnel as the one referred in the practice of their duties commit violent acts as the one mentioned and informed the National Commission of the results.

## NATIONAL AFFAIRS

The International Seminary "Ombudsman Bicentennial in the World" was held

The past 8th and 9th of September the Ombudsman Bicentennial in the World, organized with the Institute of Legal Research from the National Autonomous University of Mexico, the National Commission of Human Rights and the Mexican Federation of Public Centers of Human Rights.

In the inauguration of the event, in the presence of Professor Hector Fix Fierro, Director of the Institute of Legal Research, Dr. José Luis Soberanes Fernández and the Senator Manlio Fabio Beltrones. During the inauguration, Dr. Soberanes Fernandez, established that the functions of the Ombudsman are not only circumscribed to the knowledge of deficient complaints of public administration, but

to defend the fundamental guarantees of the human being by seeking and strengthen a secure environment that permits the development of man and the effective recognition of their rights.

During the event and in the presence of Dr. José Manuel Sanchez Saudino, Defender of the People of Spain, Dr. Oscar Humberto Luna, The Attorney for the Defense of Human Rights from El Salvador, Dr. Ramiro Avila Santamaria from the Ministry of Justice and Human Rights of Ecuador, Dr. José de Jesús Orozco Henriquez from the American Commission for Human Rights, as well as other personalities.

The themes that were exposed were of high relevance, as the international experience in Europe and Latin America, Challenges and perspective of human rights in Latin-American, Protection and custody of the fundamental rights in the American system, for instance

Likewise, the Dr. Soberanes Fernandez, emphasized, "in the case of Latin-American, the Ombudsman have become essential institutions that respond to the claims of the citizenship against abusive acts of power of governors and for the promotion of human rights. In that order, it is assumed that the Ombudsman in this region, directly contribute to establish and consolidate democracy".

Finally, he underlined the figure of the Ombudsman, as an independent entity and guardian of the State actions, is the appropriate mechanism to promote and compel international norms of protection of human rights, and in the same time, to custody this rights in the national field.

## DIRECTORY

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