

# NEWS LETTER

National Human Rights Commission

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### THE CNDH ACHIEVES THE ANTICIPATED RELEASE OF 674 INDIANS

The National Ombudsman, Raul Plascencia Villanueva, announced that the Mexican National Human Rights Commission (CNDH) and the National Defense Secretary (SEDENA) initiated conversations tending to the establishment of intervention strategies not only to remedy human rights violations but also to prevent them.

He announced that the CNDH is preparing a special report with the objective of proposing some measures in order for the task of law enforcement (which is temporarily carried out by the armed forces) to be executed in strict compliance with what is established by the Mexican Constitution.

He underlined that he has been in contact with the Defense Minister, general Guillermo Galván Galván, in order to put an end to the alleged human rights violations that take place during military operatives carried out to fight drug trafficking and organized crime.

Plascencia Villanueva was interviewed during his working visit to the city of Chetumal, where he witnessed the presentation of the Eighth Activity Report given by the President of the Human Rights Commission of the State of Quintana Roo, Gaspar Armando García Torres, accompanied by Governor Félix Arturo González Canto.

As a result of the dialogue with the Secretary of National Defense, it is intended that the highest possible respect to human rights prevails during the operatives, with the hopes that there will be no more complaints against military personnel, he declared.

The National Ombudsman emphasized the military authorities' disposition to accept the Recommendations of the CNDH and he explained that during the next few weeks he will present some ideas to the Congress of the Union so that any public servant who does not accept or comply with a Recommendation, faces political, penal or civil consequences.

"The Commission is about to reach its twentieth anniversary and up until now, the faculties which it possessed seemed sufficient. We now realize it is very important for it to have more comprehensive faculties in order for it to be endowed with a higher efficacy and for the better protection of society in general", he sustained. He explained that the 33 commissions that make up the Mexican Federation of Public Human Rights Institutions support the idea of having more comprehensive faculties so that their efforts are more transcendent and beneficial to society. Having said that, he made reference to the offences against journalists.

He considered the aggressions and intimidations against journalists to be deplorable; he condemned the climate of insecurity against communicators and demanded the clarification of all the cases.

Speaking before legislators, federal and state public servants as well as representatives of social organizations during the presentation of the activity report of the president of the Human Rights Commission of the State of Quintana Roo, he said that the objectives of the public human rights institutions are not contrary to the goals of the State.

"We compliment their goals and contribute to the compliance of their duties. One of our goals is to agree upon the democratic principles based on the respect of human rights", he said.

He also expressed that the culture of legality is part of our daily life and is a matter pertaining to all. "It is a fundamental aspect for the development of the country and it constitutes a tool for change, because not only does it reflect the society it regulates, it also points it in the right direction, transforms it and encourages its progress based on knowledge and legal abidance".

After pointing out that within the CNDH there is the belief that one of the principal obligations is to respect the law, he underlined that the fundamental principle is that all rights are for all, however, the existence of our duties and responsibilities must be recognized.

This is why the creation of a Charter of Duties of the People is encouraged, with the purpose of permeating the conscience of Mexicans in order to reinforce their commitment with the law, based on the respect of human dignity and of the institutions.

### **THE CNDH ASKS FOR THE INCREASED PROTECTION OF JOURNALISTS**

With the death of journalist José Luis Romero, reporter for the radio news program Línea Directa, in Los Mochis, Sinaloa, the number of murdered communicators ascended to 59, causing the Mexican National Human Rights Commission to call upon the authorities pertaining to the three levels of government for them to implement effective measures that guarantee the practice of journalism and clarify the crimes.

The National Commission regrets and deplores this crime. Once again, it asks that authorities fully assume their responsibility to respect and enforce the respect of the right of freedom of speech. The CNDH demands that authorities find those responsible and bring them to justice.

Through its Fifth General Visitation the CNDH has been investigating the homicide of José Luis Romero since the 30th of December. It interviewed officials of the local prosecutor's office, executives of the radio station where he worked and members of the communicator's family.

Since the year 2000, 59 deaths, 8 communicator disappearances and 7 attacks to communication media facilities which involved explosives, have been registered.

This National Institution also followed up on recent cases such as the homicide of Alberto Velásquez, from the newspaper Expresiones de Tulum, in Quintana Roo, and the alleged violation of freedom of speech through the summoning of the general director of the newspaper El Sur, Juan Angulo Osorio to the Office of District Attorney for the State of Guerrero.

The CNDH invites the media to be part of a joint effort with this National Institution in order to make the ways of preventing and avoiding aggressions against journalists better known (as well as for the execution of justice), so that impunity does not prevail over homicides and offences against communicators.

In Mexico, there is an ever growing number of journalists that, whilst practicing their profession, are subject to threats, intimidations, persecutions, attacks and forced disappearances. The CNDH, which is presided by Raúl Plascencia Villanueva, reiterates that there is no justification whatsoever for the attempt to hinder the work of journalists.

### **THE CNDH ACHIEVES THE ANTICIPATED RELEASE OF 674 INDIANS**

The Mexican National Human Rights Commission arranged for and achieved legal benefits for 674 people belonging to several indigenous groups which were imprisoned in various penitentiaries within the Mexican Republic.

There are a total of 631 men and 43 women from groups such as Cora, Chianteco, Chol, Maya, Mixteco, Mayo, Náhuatl and Huichol, to name a few, who received the certificate which was transacted by the Program for the Management of Matters regarding Anticipated Release Benefits before the corresponding authorities.

The anticipated release or release on parole, which are subject to the compliance of legal requisites, amongst them the proof of good conduct during imprisonment, is a resource established by Mexican laws in favor of first time delinquents.

The ease with which those people may achieve social reinsertion and the prevention of overcrowding in penitentiaries is also taken into account.

Out of a total of 674 Indigenous People who were benefited, 72 men and 25 women were serving sentences granted by a federal court, whilst 18 women and 559 men were sentenced under local jurisdiction.

In the cases of federal jurisdiction, the legal benefits obtained are a byproduct of the collaboration agreement that the CNDH signed in 1999 with the renamed Secretary of Public Safety, the Attorney General's Office, the Institute of the Public Defense Counsel and the National Commission for the Development of the Indigenous People.

Out of the 1,179 cases that the CNDH presented before penitentiary authorities for their revision in 2009, 1,028 were under local jurisdiction and 151 were under federal jurisdiction.

The National Commission considers these benefits to be an opportunity for those who have committed a single crime (first-time delinquents) and also those who have demonstrated through their behavior in prison that they may deserve a chance to reintegrate themselves to their family life, to society in general, and to the productive life of the country.

The CNDH will continue to sponsor the petitions of those who meet the requirements and have reached the necessary achievements in order to be eligible for the benefits of an anticipated release.

### **PLASCENCIA CALLS FOR THE ENCOURAGEMENT OF THE CULTURE OF LEGALITY**

When presenting the Mexican National Human Rights Commission's Activity Report for 2009, the National Ombudsman, Raul Plascencia Villanueva, agreed before the Congress of The Union that this national Institution will actively contribute in the construction of a State of Law and will promote respectful dialog amongst all of the social and political actors.

After underlining that he will consolidate and re-orientate the efforts so that the CNDH attends to the commitments imposed by the Mexican society of the second decade of the 21st century, he said it will be through the strengthening of the culture of legality and the State of Law that the complex problems suffered by our country will be dealt with.

He called for the celebration of a National Seminar to discuss the topic, with the participation of all of the social and political actors, with a serious focus on ethics and tolerance, and the creation of a Charter of Duties of the People, which clarifies everyone's duties and responsibilities.

He highlighted that the situations which affected life in Mexico in a varying order during 2009 generated an environment adverse to the development of human, economic and social fields.

The economic crisis, social insecurity, the population's lack of trust in institutions and the global environment increased criminal activity - which must not be seen as a decrease or reticence in the observation of human rights, but rather as a summons to reinforce the practices that guarantee their total respect.

"This summons calls upon all of the country's inhabitants to be the genuine beneficiaries of the rights established by the national judicial order, whilst also calling for a pledge so that we all cooperate in the achievement of peace and harmony as required to fully achieve successful social coexistence", he assured.

Plascencia Villanueva spoke before government delegates and senators belonging to all of the political parties assembled in the room "Legislators of the Republic" of the Legislative Palace of San Lázaro, who were led by government delegate Francisco Javier Ramírez Acuña, president of the Congress of the Union's Permanent Commission.

He referred to the insecurity currently felt throughout the country which deeply damages society. It has been increasing in recent years, claiming the lives of many human beings and leaving others lingering between life and death, as is proven by the eight thousand executions attributed to organized crime in 2009.

"It is necessary to slow this situation down and demand that authorities work in a coordinated, responsible and effective manner in the fight against crime in order to guarantee every Mexican's right to public safety", he assented.

He declared himself in favor of bridging gaps and promoting tolerance, harmony, conciliation, the respect of dissidence, of the distinct, of the different, as a necessary condition for the construction of a more just and equal country of institutions.

He pointed out that in 2009, the CNDH offered more than 45 thousand services, answered 7,703 files of complaint and emitted 78 specific Recommendations to more than 100 federal and local authorities and instances.

The National Ombudsman announced that the recommendations of the CNDH were not accepted by the heads of the executive powers of Guanajuato, Guerrero, Morelos and Oaxaca, as well as the Mayor of the Federal District.

Neither by the heads of the town halls of Acayucan, Veracruz; Jiménez, Michoacán, Oaxaca de Juárez, Oaxaca; Olinalá, Guerrero, and Tijuana, Baja California, as well as the Foreign Relations Minister, the Secretary of Labor and Social Welfare; the Attorney General, the General Director of Pemex, the commissioner of the National Migration Institute, the general directors of the National Institute of Neurology and Neurosurgery and of the National Rehabilitation Institute of the Secretary of Health, nor by the Congress of the State of Sinaloa.

As a result, he ordered the strengthening of the CNDH's work through legal reforms so that the elected officials that do not accept the Recommendations or do not comply with them once they have been accepted, present themselves before the Human Rights Commissions of the Chamber of Deputies and/or Senate to explain the basis and reasons for their actions or omissions and, if applicable, penal or administrative responsibilities may be placed upon them.

He announced that during 2009, 978 training activities were carried out, involving the participation of 43 thousand people; 182 activities were executed with social organizations with the participation of 6,600 people and 110 treaties of collaboration on the subject of human rights were signed with universities, public institutions, non-government organizations and authorities.

Plasencia Villanueva highlighted the Special Reports about the "Emos" youth group and about the kidnapping of migrants, as well as the emission of General Recommendations about the right to the protection of health by the institutions responsible in the country, about the Public Ministry's time limit to resolve a prior investigation and about the cases of aggression against journalists and the prevailing impunity.

"I must express my most vehement condemnation of the fact that 2009 witnessed the highest number of attacks and offenses against journalists and civilian human rights defendants in recent years. There were 105 files of complaint presented throughout the year, 79 of them due to acts committed to the detriment of journalists, and 26 were offences to civilian defendants", he said.

He explained that in this referential time period, 674 certificates of anticipated release were obtained by Indigenous People, 214 field projects were carried out and 14,007 requests of access to information were negotiated with federal, state and municipal authorities regarding the disappearance of people in which there is the alleged or confirmed involvement of a State agent, and 70 cases of people reported missing were resolved.

There were also 1,555 visits made to migratory stations, in which 30,515 people were attended and 197 files of complaint were lodged together with nine more 'ex officio'; 219 complaints of alleged violation to the right of equality between men and women were attended and 5,815 received training on the subject.

He mentioned the 134 visits carried out to inspect penitentiaries, the delivery of 132,018 audiovisual educational kits about HIV/Aids, the 2,259 services rendered to victims of crime, including the judicial and psychological therapy services, he also emphasized on the urgent need to



make the Federal Law for the Caring of Crime Victims and specifically, The Law for the Caring of Victims of Kidnapping, a reality.

Plascencia Villanueva requested that when remembering the Independence of our country and the Mexican Revolution, we ought to reflect upon the Mexicans that sacrificed their life to make Mexico a country of laws, where respecting the law is a fundamental requirement of coexistence and the continuity of the State of Law is a fundamental condition for the sustainability of the country.

### **THE CNDH TRAINED NEARLY 50 THOUSAND PEOPLE IN 2009**

With the purpose of promoting the teaching and divulgation of the fundamental rights amongst society, during 2009, the Mexican National Human Rights Commission established training services for 48,844 people.

Through its Technical Secretary, the CNDH reinforced the layout and execution of the different training programs, with the intention of increasing the number of trained people as well as the number of segments and sub-segments it attends.

Amongst those trained there are public servants, teachers, students, representatives of organized civil societies and common citizens that assisted to 1,036 courses, workshops, formal education systems and academic activities.

During this period, 3,605 public servants were trained, which included agents from the Public Ministry of the Federation, federal investigation agents, appraisers and administrative personnel from the Attorney General's Office, as well as agents of the Public Ministry and Ministerial Police of the District Attorney's office pertaining to various states of the Republic, in 95 actions.

Another 95 courses were offered to 4,344 public servants from the Federal Secretary of Public Safety and its branches in the states of Aguascalientes, Baja California, Baja California Sur, Campeche, Chihuahua, Colima, Durango, Guanajuato, Hidalgo, Jalisco, México, Nayarit, Nuevo León, Puebla and San Luis Potosí, as well as the Federal District.

Also receiving training on human rights, through 75 activities, were 11,120 members of the Secretary of Defense and the Office of the Attorney General for Military Justice.

Through 18 more actions, training was given to 1,229 participants from the penitentiary personnel of the General Bureau of Social Rehabilitation, the General Bureau for the Handling of Minors and the social Rehabilitation centers under the command of the Decentralized Administrative Body of Social Prevention and Rehabilitation.

During this period 61 activities, directed towards health services personnel and benefitting 1,948 officials including doctors, nurses, social workers, dieticians and administrative personnel, were carried out.

The courses directed towards regional coordinators, supervisors and headmistresses of nurseries, organized together with the Bureau of Financial Support of the Mexican Social Security Institute (IMSS) are particularly noteworthy.

Another 76 training programs were focused on 4,109 federal, state and municipal public servants, in the states of Aguascalientes, Baja California, Baja California Sur, Chiapas, Colima, Durango,

Guanajuato, Jalisco, México, Morelos, Nayarit, Oaxaca, Puebla, Quintana Roo, Sinaloa, Sonora, Tlaxcala, Veracruz and Zacatecas, together with the Federal District.

Thirteen activities were carried out to help personnel in charge of training and public assistance personnel in the Human Rights Commissions of different states, which were attended by 576 public servants from the states of Aguascalientes, Baja California Sur, Chiapas, Colima, Nayarit, Nuevo León, Tabasco, Tlaxcala and Yucatán.

These are some of the imparted subjects: Freedom of Speech as a fundamental right, Criteria for the reception of complaints, Discrimination and tolerance, Introduction to Human Rights, Istanbul Protocol and the Universal Declaration of Human Rights.

As part of the Human Rights Training Program for Elementary Education, 322 courses were carried out and were attended by 6,283 people, including teachers, students and parents with an elementary educational level; 1,565 with intermediate education in 26 activities and 7,228 people in 80 activities that were carried out in conjunction with the Public Institutions for the Protection and Defense of Human Rights and higher education institutions from various states in the Republic.

In 2009, the CNDH convoked and concluded, together with various universities in the country, 19 Associate Degrees in Human Rights, included in the field of continuing education, which were imparted on public servants from the three levels of government, academics, researchers, students, professionals and members of social organizations.

The execution of 162 activities was accomplished with the participation of 6,155 attendees, aimed at members of civil society organizations and groups in a vulnerable situation, as a joint effort with the human rights commissions of Baja California, Baja California Sur, Campeche, Chihuahua, Coahuila, Colima, D. F., Durango, Guerrero, Guanajuato, México, Michoacán, Morelos, Nayarit, Nuevo León, Puebla, Quintana Roo, Querétaro, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatán and Zacatecas.

### **THE NATIONAL OMBUDSMAN WILL GIVE THE NATIONAL HUMAN RIGHTS CENTER (CENADEH) MORE SUPPORT**

The President of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, ratified (based on article 21, section X, of the Internal Regulations of the CNDH) doctor María del Refugio González Domínguez as general director of the CENADEH.

While taking the oath from the chairman of the CENADEH, Plascencia Villanueva offered to give more support to that research center on the subjects of human rights and encouragement of academic exchange between institutions.

This center also trains researchers specializing on human rights, and coordinates the tasks of the Center of Documentation and the library of the CNDH.

Plascencia Villanueva pointed out that an increased support of the CENADEH will allow for the proposal of more adequate solutions to the problems which our country is facing, given that scientific research can provide a higher number of proposals which are better for the understanding of the phenomenon that are being encountered.

He highlighted the importance of this area for the CNDH's administration, given that it will generate different ideas, proposals, analysis and studies to improve the efforts of the national Institution, to the benefit of Mexican society.

"I am convinced that with our current structure, with the resources with which this institution is equipped, we will succeed".

Maria del Refugio Gonzalez is a bachelor in Law by the UNAM and a Doctor in Law by the Universidad Complutense of Madrid; she finished her Masters degree in Mexican History, in the Faculty of Philosophy and Language of the UNAM.

She served as a full time researcher of the Institute of Judicial Investigations until the year 2000; Level III National researcher until the same year and professor of Legal and Judicial Theory History professor in the UNAM's Law Faculty.

Within the CNDH, she has been the Technical Secretary for the Consulting Council, General Director of Planning and Analysis and General Director of the National Human Rights Center.

### **JOSÉ ZAMORA, TECHNICAL SECRETARY FOR THE CONSULTING COUNCIL OF THE CNDH**

The President of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, designated doctor José Zamora Grant as the technical secretary for the Consulting Council of this national Institution.

While taking his oath of the chairman, Plascencia Villanueva exhorted all of the workers of the CNDH to serve society with painstaking care and efficacy in the defense of human rights during the year ahead.

"Through your efforts I invite you to keep bettering this noble institution whose governing axis is the protection and defense of the victims of human rights violations, and is dedicated to serving society above all else", he assured.

The decision was made in accordance with what is established by article 15, section II of the CNDH Law, which empowers the president of the Commission to "name, direct and coordinate the officials and personnel under his command".

Doctor Zamora Grant is a bachelor in Law by the Autonomous University of Tlaxcala (UAT), Master of Criminology by the University of Barcelona and Doctor of Law, with honorific mention, by the UNAM.

He has been First Visitor and Interim President of the Human Rights Commission of Tlaxcala and director of the Center for the Study, Research and Training in Human Rights of this Commission.

He is also a member of the National Network of Researchers (Level I), professor of bachelors and masters degrees in the UAT, and a member of the doctorate committees of this university and of the National Institute of Penal Sciences.

He is the author of the books The victim in the Mexican penal system, Introduction to Human Rights and Victims' Rights, coauthor of four more books and author of more than 15 articles published in specialized magazines.

Zamora Grant occupies the post which was left vacant by doctor Luis García López Guerrero, who carries out the role of First Visitor of the CNDH.



## **EDUCATION, THE BEST WAY TO SPONSOR HUMAN RIGHTS**

The National Ombudsman, Raúl Plascencia Villanueva, declared that education is the most effective means to encourage the respect of human rights. He pointed out that education and apprenticeship must be tools for us to consolidate ourselves as a democratic society which is tolerant, has more freedom and a higher wellbeing.

Whilst participating in the academic forum designated as "Alexmun 2010", organized by the "Alexander Bain" group, he underlined that the CNDH seeks the consolidation of a culture of human rights protection, through a comprehensive educational process, with the special intervention of institutions from different educational levels.

He highlighted the importance of this academic forum in the development of the social awareness of the Mexican youth whilst speaking before officials of the United Nations, of the Secretaries of Public Education and Foreign Relations, of the Autonomous National Mexican University (UNAM) and of the Counsel for the Founding of the International Baccalaureate in Genève, Switzerland, as well as students of the Alexander Bain school.

In this forum which is based on a model of the United Nations, Plascencia Villanueva detailed the Mexican State's obligation to guarantee and respect the right to a healthy environment through laws, programs and public policies that protect people from damages inflicted on the environment.

"It is also important to point out that society has the responsibility of respecting and protecting the environment through the modification or elimination of certain habits, as well as the adoption of preemptive measures to avoid ecological deterioration."

He mentioned that global warming provokes catastrophic changes to climate patterns; causing international concern to increase considerably.

"This evolution explains that environmental protection is currently an assumed value by the international community. The global consideration of the human being leads to the placing of the present and future generations at the heart of environmental protection, through the principle of international equity which is invoked in order to resolve the contradiction between economic development and environmental protection".

Plascencia Villanueva pronounced himself in favor of generating environmental awareness amongst the population, especially amongst children and youngsters.

"It is a commitment that applies to all and, accordingly, we must not only collaborate with the wellbeing but also the survival of the planet", he stated.

Amongst those in attendance were Mariana Gudiño Castañón, secretary general of the 2010 Alexmun and José Francisco Uribe Gaudry, headmaster of the Alexander Bain Baccalaureate and a member of the Counsel for the Founding of the International Baccalaureate in Genève, Switzerland.

## **MIGRANTS IN MEXICO, VICTIMS OF XENOFOBIA AND INTOLERANCE**

Whilst presiding the act in commemoration of the "International Annual Commemoration Day for the Remembrance of Victims of the Holocaust", the national Ombudsman, Raúl Plascencia Villanueva, declared that there are still people in our country who are victims of xenophobia and intolerance.

He summoned for the construction of a better Mexico and a better future for the next generations, where there is room for all in equalitarian conditions, a goal with which the CNDH is fully committed.

He also called for the reopening of a debate about the new social pact which is demanded by the Mexico of today, in which the dialogue between all parties plays a fundamental role and where we may learn to coexist amongst different identities.

During the event held in the "Rufino Tamayo" museum, the president of the CNDH detailed that there must be room for all in this dialogue, on the basis of equality, recognizing our differences without ignoring or evading our identities.

In the presence of leaders of the Jewish community in our country and of the UN High Commissioner for Human Rights, Plascencia Villanueva called for Mexico's permanent appropriation of the "never more" exclaimed by the international community regarding the atrocity of the crimes committed during the Second World War.

He said this was the moment in which the world assured that it would not accept events like those which took place during that period by a totalitarian regime and created a system which strives to protect individuals and their intrinsic value and dignity.

"Today we remember many men, women and children who suffered grave and systematic violations to their human rights, by a xenophobic, intolerant and totalitarian regime, which did not have the courage or the intelligence to respect the differences between people and individuals".

Moments before praising Alfredo Achar for his efforts to promote human rights and requesting a moment of silence in memory, respect and honor of the victims of the Holocaust, he talked about the meaning of life and he quoted Victor Frankl, who in his book *Man's Search for Meaning* states: "Those who have a 'why' to live, can bear with almost any 'how'".

On the subject, he said that our 'why' is the achieving of a better Mexico, a better future for the current and coming generations, in which there is room for all and there is the assurance of a better treatment for our migrants and for foreign migrants in our country.

We must also fight for the establishment of more equalitarian conditions for marginalized people, indigenous people, and vulnerable groups, amongst others.

With regards to the 'how', the Ombudsman pointed out that it is everybody's responsibility to work on and it is a task with which the CNDH is deeply committed.

"The victims of the holocaust left humanity with a legacy which is precisely made up of the international community's ongoing concern for the protection of everyone's human rights, especially those of minorities and vulnerable groups".

He mentioned that Mexico has played a fundamental role in the fight for the rights of minorities, especially migrants. He recalled that the right of asylum was defended by our country in 1824, becoming one of the first actions of the nation which had only recently achieved its independence.

"In order to show its role as a bridge between civilizations, Mexico has accomplished the assimilation of migrants from very different origins, who interact within our society, in peace,

harmony and prosperity, enriching the multicultural diversity of Mexican society. Without a doubt, the Jewish community stands out amongst these migrations because of its many contributions to Mexico's daily life".

After remembering that the UN General Assembly designated the 27th of January as the International Annual Commemoration Day for the Remembrance of Victims of the Holocaust in 2005, he underlined that one of its objectives is to reflect on what happened, so that modern society recognizes the grave flaws of the past and avoids the repetition of these lamentable and condemnable events.

Amongst those present during this event were Alberto Brunori, the UN's Human Rights High Commission representative in Mexico; Óscar Gorodzinsky, president of the Central Committee of the Jewish Community, Citizens Association (A.C.); Peter Katz, president of the Survivors of the Holocaust Union; Katya Somohano, general coordinator of the Mexican Commission for the Help of Refugees; Miriam Cárdenas Cantú, Graciela Rodríguez Ortega and Rafael Estrada Michel, counselors of the CNDH.

## RECOMENDACIONES

In the following pages, the synopsis of the recommendations emitted by the CNDH during the month of January, 2010 is presented. The complete version may be consulted on this institution's web page: <http://www.cndh.org.mx/recomen/2010/001.html>

### Recommendation 001/2010

México, D. F., 26th of January, 2010

*Case: Human Rights violations perpetrated by the Preventive Federal Police Force in Matamoros, Tamaulipas*

Authority responsible:

*Federal Secretary of Public Safety*

The National Commission emitted Recommendation 001/2010 about the alleged violations of the human rights of V1, V2 and V3 which occurred in Matamoros, Tamaulipas, on the 15th of September 2008, when elements of the then named Federal Preventive Police, performing patrolling activities, tried to stop V1 and V2 shooting them with firearms, also causing the death of V3, who was circumstantially present at the scene.

The National Commission recommended proceeding to the reparation of the damage following the terms established in article 20, paragraph B, of the Political Constitution of the United Mexican States, as well as the precepts recognized in the Declaration about the Fundamental Principles of Justice for the Victims of Crime and Abuse of Power, inflicted upon the family members of V3, as a consequence of the institutional responsibility incurred by personnel of the Federal Preventive Police, based on the considerations suggested in the body of the present recommendation.

Also, it recommended designing a Comprehensive Training and Formation Program on the Subject of Human Rights, focused on the officers and the middle and higher ranks of the Federal Police belonging to that Secretary; instructing Federal Police personnel which participates in operatives and detentions so that they abstain from the use of force due to those actions. This will avoid the practice of torture, harsh punishments or any other cruel, inhumane or degrading treatment for the people they detain.

It will all be done in accordance with the terms established by the Code of Conduct for Law Enforcement Officials and the Basic Principles for the Use of Force and Firearms by Law Enforcement Officials and general recommendation No. 12, About the Illegitimate Use of Force and Firearms by Law Enforcement Officials or Public Servants, designing for such purpose, the protocols and models necessary to eradicate the bad habits of the public servants under their command, sending this National Commission the necessary proof to accredit their compliance.

In order to fully collaborate with the Mexican National Human Rights Commission, the initiation and processing of a claim promoted by this institution against Federal Preventive Police personnel who intervened in the facts being consigned in this case; as well as in the investigations derived from the prior investigation, motive of the facts, is presented by the Mexican National Human Rights Commission before the Attorney General's Office, and because federal public servants are involved, it is required that the proof with which their compliance is accredited is passed on to this National Commission.

**Recommendation 002/2010**

México, D. F., 26th of January, 2010

*Case: Responsibilities of Public Servants of the head of the First Local Assembly of Conciliation and Arbitration, Acapulco, Guerrero.*

Authority responsible:

*Constitutional Government of the State of Guerrero*

The Mexican National Human Rights Commission emitted Recommendation 002/2010, about the exercising of Responsibilities by the Public Servants of the State, against the Executing President of the First Local Assembly of Conciliation and Arbitration, located in the city and port of Acapulco, Guerrero, because of having offended the human rights of the representative of Q1.

These offences consist of the administrative procrastination or delay in the jurisdictional process and the unlawful exercise of civil service, imposing on her the applicable sanction as established by law; having the duty to inform this Commission since the initiation and until the resolution is emitted by the previously mentioned procedure. This must be done regardless of the penal responsibility she may have incurred in.

The Commission for the Defense of Human Rights of the State of Guerrero, initiated the corresponding file of complaint and on the 8th of September 2008, emitted recommendation 27/2008 addressed to the general secretary of the government of the State of Guerrero.

The National Commission recommended instructing the general secretary of the government of the State of Guerrero to comply with recommendation 27/2008, emitted by the Commission for the Defense of Human Rights of the State of Guerrero, sending this National Commission proof to accredit its compliance.

**Recommendation 003/2010**

México, D. F., 27th of January, 2010

*Case: Annoyance of residents of Acatlán de Osorio, Puebla, caused by the installation of a Sunday street market.*

Authority responsible:

*Town Hall of Acatlán de Osorio, Puebla*

The Mexican National Human Rights Commission emitted its Recommendation 003/2010, about the complaint formulated by V1 who declared his residence is located on Xicoténcatl street, colonia Centro in Acatlán de Osorio, Puebla, and that for several years now, every Sunday a street market is installed, having an alleged permit to operate which was authorized by the Town Hall of Acatlán de Osorio, since 2005. This market locates itself, approximately, between numbers 14 and 44 of this street, affecting all of the area's neighbors and specially the inhabitants of the properties located in the area where the market stalls are placed.

According to him, the annoyances caused both by the vendors as well as by the people who visit the street market, range from unbearable noises starting early in the morning, to the obstruction of the entrances to houses and even to the street of Xicoténcatl itself, and the most worrying of all, the pollution because of the waste that is produced. The neighbors have complained before the different administrations on numerous occasions with the hopes of achieving the cancellation of the alleged permit, but they have paid no attention to their demands.

The National Commission recommended instructing the director of Markets of the presiding H. Town Hall so that his future actions carried out in accordance with the lineaments established in the Political Constitution of the United Mexican States, and with the laws that emanate from it, abstaining himself from violating the human rights of the plaintive and other governed subjects, respecting their right to coexistence and personality, which is the cause of the complain specifically regarding the enjoyment of freedom of movement on Xicoténcatl street which has been the ongoing topic.

It also recommended instructing the general secretary of the Town Hall of Acatlán de Osorio, Puebla, to comply precisely with what is established in recommendation 68/2006 emitted by the Human Rights Commission of the State of Puebla, informing the Mexican National Human Rights Commission of this circumstance; creating a program for the ordination of spaces and places destined for markets and/or supply depots, which not only looks after the municipal interests and development, but also achieves the respect of the rights of the third parties that live in the area, guaranteeing that acts like those brought forth in this pronouncement will not be repeated.

#### **Recommendation 004/2010**

México, D. F., 09th of January, 2010

*Case: Refutation submitted by Mister Silvio Ramirez Garcia derived from the rejection of a recommendation, by the members of the Borough Council of Metlatónoc, Gro.*

Authority responsible:

*Chair of the Board of Directors, lix Legislature, Congress of the State of Guerrero.*

The Mexican National Human Rights Commission emitted its recommendation 04/2010, through which it considers that the impugnation appeal brought forth in the file CNDH/3/2009/181/RI, does proceed and is based on the rejection of recommendation 54/2008 by members of the Town Hall of Metlatónoc, Guerrero, given that the logical-judicial evaluation that was performed in conjunction with evidence belonging to this case, it is clear that the human rights of Mr. Ramirez García were transgressed.

The National Commission recommended the Congress of the State of Guerrero to inform the competent instance, with the intention of it starting and determining, in compliance with the law, an investigation to establish the administrative responsibility of who is found responsible for not complying with the cited recommendation, as well as for the omission incurred by the authorities of



the municipality of Metlatónoc, during the transacting of the inconformity which concerns us, and that the Mexican National Human Rights Commission be informed of this circumstance.

It also recommended to the members of the H. Constitutional Town Hall of Metlaltónoc, Guerrero that they send out orders to whom it may concern in order to achieve the compliance, in all of its clauses, of recommendation 54/2008 emitted by the Commission for the Defense of Human Rights of the State of Guerrero, on the 10th of December 2008, and that the Mexican National Human Rights Commission be informed of this circumstance.

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