

# NEWSLETTER

Mexican National Human Rights Commission (CNDH)

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### **CGCP/245/10**

#### **RAÚL PLASCENCIA WELCOMED INTO AN INTERNATIONAL COMMITTEE**

Raúl Plascencia Villanueva, president of the Mexican National Human Rights Commission, was unanimously elected as a member of the Coordinating Committee for the Network of National Institutions for the Protection and Encouragement of Human Rights of the American Continent during its IX General Assembly which has held in Quito, Ecuador. Additionally, the CNDH will join the Bureau of the International Coordinating Committee of National Human Rights Institutions (ICC) of the American Continent. This represents a position which will allow the CNDH to participate in the interactive processes which occur between the National Human Rights Institutions (NHRI) and the Universal Human Rights System, as well as in its special procedures. The ICC is an international association of NHRIs which is based in Genève. It encourages and strengthens the NHRIs in order for them to govern themselves in accordance with the Paris Principles and provides leadership in the dissemination of human rights.

### **CGCP/246/10**

#### **CNDH'S CATALOGUE FOR HELPING JOURNALISTS**

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, announced that the CNDH is working to create a catalogue of precautionary measures and measures for protecting journalists. Its aim is to clearly inform authorities from the three levels of government about the preventive measures which must be enforced as per the professional needs of communicators. He mentioned the need to strengthen the institutions responsible in order to conclude the investigations and detain those who attack journalists. He also analyzed the convenience of studying the proposal to federalize crimes against journalists, as this would mean that only one government body would be in charge of investigating them.

### **CGCP/247/10**

#### **CNDH PROMOTES WOMEN'S RIGHTS**

The Mexican National Human Rights Commission gives courses, conferences and workshops with the aim of promoting and disseminating the right to equality between men and women and eradicating violence. Approximately 10% of the women whose human rights have been violated actually visit the Public Prosecutor's Office to report their case, causing most of the abuses to be excluded from the official figures. It is estimated that the highest level of violence against women takes place at home. Emotional violence accounts for 34% of the aggressions, financial represents 23%, physical 19%, family-related 15%, whilst sexual violence accounts for 9% approximately. Regarding sexual offences, 90% of them are against women and almost half of these are underage. According to the complaints received between 2006 and 2009, women are also

discriminated, sexually harassed, and treated cruelly, humiliatingly and degradingly within their work environment.

#### **CGCP/248/10**

##### **ACTIONS TAKEN BY THE CNDH AGAINST TORTURE**

The CNDH, in conjunction with state Commissions, authorities and organized civil society, is taking various actions to help eradicate torture. The need for creating international guidelines useful for evaluating people who claim they have been tortured, investigating alleged cases of torture and informing investigative and legal bodies about the findings has been established. As part of its strategy for preventing torture and other cruel, inhumane and humiliating ways or punishments, the CNDH has carried out one thousand 215 supervision visits to detention centers during the last three years. Since its institution, marked by the CNDH's acceptance of the Mexican State's invitation to serve as our country's National Mechanism for the Prevention of Torture, the CNDH has been helping people held within detention centers run by federal, state and municipal authorities, with the goal of guaranteeing respect for their dignity and their fundamental rights.

#### **CGCP/249/10**

##### **DEFICIENCIES IN JUSTICE FOR JOURNALISTS**

During the Conference-Forum *Mexico Besieged by Organized Crime* hosted by the Inter American Press Association (IAPA) and the Committee to Protect Journalists (CPJ), Fernando Batista Jiménez, Fifth General Visitor of the Mexican National Human Rights Commission, said "the investigative actions performed by authorities, ranging from abundant to scarce in different cases, will never be enough so long as the attacks and crimes are not solved, those responsible are not identified and punished and the whereabouts of the missing journalists remain unknown." Batista Jiménez also announced that up until now, the National Commission has requested 67 precautionary measures for journalists to keep irreparable violations from taking place. The Mexican National Human Rights Commission believes freedom of speech and the right to information to be crucial for guaranteeing the democratic life of the country.

#### **CGCP/250/10**

##### **CNDH SENDS HUMANITARIAN AID TO VERACRUZ AND TABASCO**

The Mexican National Human Rights Commission sent two more tons of humanitarian aid to the families affected by hurricane "Alex" in the states of Veracruz and Tabasco. These products were obtained through the collection centers established at the CNDH's facilities. They were sent to the aforementioned states via the Secretariat of the Navy in order to fulfill the nutritional, health and clothing needs of thousands of families. The CNDH is thankful for the collaboration of its staff and of the citizenry in general and for the solidarity shown with our brothers in peril who require the help and support of every Mexican.

#### **CGCP/252/10**

##### **CNDH PRESENTS A GUIDE FOR IMPLEMENTING PRECAUTIONARY MEASURES FOR JOURNALISTS**

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, inaugurated the Seminar on the Right to Defend and Communicate, where he presented the Guide for Implementing Precautionary Measures for the Benefit of Journalists and Communicators in Mexico. He thanked civilian human rights defenders and journalists for their involvement in its creation and reminded them of the National Commission's commitment to continue fostering activities which favor democracy and a State of Law. The national Ombudsman

reported that the Guide for Implementing Precautionary Measures for the Benefit of Journalists and Communicators in Mexico may be consulted on the CNDH's website: [www.cndh.org.mx](http://www.cndh.org.mx)

#### **CGCP/255/10**

##### **CNDH REINFORCES ITS TRANSPARENCY**

The Mexican National Human Rights Commission and *Transparencia Mexicana A.C.* signed a collaborative agreement in order to establish a culture of transparency around the CNDH's activities and administrative processes. Programs permitting the consolidation and increase of the CNDH's transparency measures will be developed and implemented in accordance with the powers given to it. During the signing of the agreement, Raúl Plascencia Villanueva, the National Ombudsman, said that the work of the National Commission is based on clarity, solidity and backing of its decisions. He also highlighted the work performed by the institution he commands in order to become a reference point on transparency and accountability.

#### **CGCP/256/10**

##### **THE CNDH'S GUIDE FOR PROTECTING HUMAN RIGHTS DEFENDERS**

The CNDH released its Guide for Implementing Precautionary Measures for the Benefit of Human Rights Defenders in Mexico, aimed at safeguarding their fundamental rights and preserving the work they carry out. The contents of the Guide were verified with various specialists and civil society organizations in order for it to possess the necessary information to address the tough reality faced by human rights defenders. It outlines protection schemes, risk studies, medical and psychological attention and various precautionary measures. In addition, the State's responsibility is required to establish public policies which guarantee the safety of those dedicated to defending human rights. The Guide may be consulted on the CNDH's website: [www.cndh.org.mx](http://www.cndh.org.mx)

#### **CGCP/258/10**

##### **THE CNDH AND THE CHAMBER OF DEPUTIES SIGN AN AGREEMENT**

During the signing of the General Collaborative Agreement with the Chamber of Deputies of the Congress of the Union's LXI Legislature, Raúl Plascencia Villanueva, president of the Mexican National Human Rights Commission, said that legislation in favor of human rights strengthens democracy, ensures a harmonious and peaceful life and fosters sustainable development. Training and educational projects and programs on human rights aimed at all of the staff of the Legislative Branch, including its technical staff and federal deputies, will be sponsored by means of the agreement. Research, courses, seminars, forums, workshops, postgraduate courses, cultural and educational work, specialty courses, master's degrees and even doctorates in human rights imparted by the National Commission will also take place.

#### **CGCP/259/10**

##### **CNDH AND UN RAPPORTEUR WORK TOGETHER**

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, welcomed the UN Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Carina Knaul de Albuquerque, with whom he concurred on the need to work jointly to promote fundamental rights. The Ombudsman explained the way the CNDH works and the different actions performed by his administration to promote, protect, defend, accompany and disseminate human rights. Ms. Knaul de Albuquerque appeared to be pleased with the work done by the autonomous public organization and showed an interest in learning about the various issues on the CNDH's agenda.

**CGCP/261/10**

**THE NATIONAL ALERT SYSTEM BEGINS OPERATING**

The Mexican National Human Rights Commission initiated the National Alert System for Human Rights Violations. The frequency with which the fundamental rights of Mexicans are violated in each of the country's states can be found on the CNDH's website: [www.cndh.org.mx](http://www.cndh.org.mx). Users of the National Alert System will be able to search for information contained within the complaints presented before the CNDH during the first eight months of the year and sort it by state, authority or by violating event. The goal of the National Alert is to optimize the protection and defense of human rights, as well as their promotion, research and dissemination.

**CGCP/262/10**

**MORE THAN 98 THOUSAND TRAINED BY THE CNDH IN 9 MONTHS**

In a coordinated effort with several of the country's institutions, the Mexican National Human Rights Commission has intensified its training programs on human rights by offering various courses, workshops, postgraduate courses, seminars and formal education systems. During the first nine months of 2010, the CNDH trained 98 thousand and 15 people. Courses were given to civil servants, vulnerable groups within society and members of civic organizations.

**CGCP/263/10**

**JOINING EFFORTS TO PROTECT MIGRANTS**

During his participation in the inauguration of the 2010 National Migration Week, the president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, pointed out that the rights of migrants, which they sadly cannot fully enjoy outside of their home countries, will only become a reality if efforts are joined. He talked about the need to analyze the efforts of the Mexican State regarding the migration problem and reiterated the CNDH's commitment to working with public institutions to keep migrants' rights from being violated. He mentioned the project of building a Network to establish an International Observatory with the members of the Iberoamerican Federation of Ombudsman (FIO). This aims to lay the groundwork for reliable databases which will protect migrants more effectively.

**CGCP/264/10**

**CNDH ACHIEVES THE ANTICIPATED RELEASE OF INDIGENOUS PEOPLE**

So far this year, the Mexican National Human Rights Commission has achieved the anticipated release of 363 people from several indigenous groups who were serving some kind of sentence. Out of the release requests filed before the corresponding authorities, 267 were of local jurisdictions and 96 were of federal jurisdiction. The CNDH processes requests for legal advice submitted by men and women who are seeking to benefit from an anticipated release. It has noted that, in some cases, the unlawful use of civil service and an inadequate service are elements which infringe upon the rights of indigenous people in our country. Through its Freedom for Indigenous People Program, it strives to get those released to rejoin their family and cultural environment so that they may contribute to the productivity of their communities and the country.

**CGCP/265/10**

**AGREEMENT IN FAVOR OF SENIOR CITIZENS**

Raúl Plascencia Villanueva, president of the Mexican National Human Rights Commission, signed a Collaborative Agreement with the National Network of Senior, Retired and Pensioned Citizens' Organizations, A.C. (RENORAMJUP). The National Ombudsman expressed the need to create nationwide awareness in order to eliminate mistreatment and violence towards senior citizens given that they deserve to be admired, recognized and respected. The goal of the Agreement is to lay the groundwork for projects and programs aimed at civil society which educate, train and promote human rights. According to official figures, there are more than 10 million senior citizens in Mexico.

#### **CGCP/267/10**

##### **COMPLAINTS REGARDING HEALTH ARE THE MOST COMMON**

The complaints about health-related issues are most common amongst the complaints currently received by the Mexican National Human Rights Commission. The most common causes of these are discrimination, denial of medical attention, inadequate medical service, unlawful use of civil service, medical malpractice, lack of aid for patients with HIV/AIDS, incompliance with the legal framework and an untimely supply of medicines. The complaints involving the Mexican Social Security Institute (IMSS), the Institute of Social Security and Services for State Employees (ISSSTE) and the Secretariat of Public Health went from one thousand 217 during the year 2000 to three thousand 237 in 2008 and two thousand 915 in 2009. Between January and September of this year, two thousand 505 complaints have been received. On its own, the legal framework is not enough to guarantee the right to health protection, given that the authorities and private initiative must create the conditions for this, always keeping the exercise of this right in mind.

#### **CGCP/268/10**

##### **PROTECTING INDIGENOUS PEOPLE IS EVERYONE'S DUTY**

Raúl Plascencia Villanueva, president of the Mexican National Human Rights Commission, said that sponsoring actions which result in better living conditions for indigenous people is everyone's duty; government, academic institutions and public human rights institutions. Protecting the fundamental rights of indigenous people is necessary to guarantee the full enforcement of a system of freedoms within a democratic society. The indigenous population represents about 13 per cent of the country's total and is located in the poorest municipalities and states, having the lowest levels of human and social development in the Mexican Republic. It is necessary to present viable proposals which improve their living, working, health and education conditions.

#### **CGCP/269/10**

##### **CNDH HELPS VICTIMS OF THE CIUDAD JUAREZ CASE**

The Mexican National Human Rights Commission regrets the killing of 13 youths in Ciudad Juarez, Chihuahua on the night of Friday, October 22<sup>nd</sup>, and has begun a self-initiated action and has sent staff to the scene of the crime to provide support for the victims and relatives. According to official reports, an armed group fired upon several youngsters who were gathered in two dwellings, numbers 2063 and 2069 of the *Arquitectos* and *Félix Mandela* streets in the *Horizontes del Sur* district of Ciudad Juarez. The attack took place almost a kilometer away from where another group of youngsters was also killed by an armed group on January 31<sup>st</sup>, leaving an additional twenty wounded. The National Commission reiterates its unacceptance of violent acts and will continue assisting the victims of the crime and will analyze the events in order to lawfully issue the corresponding resolution at a later time.

**CGCP/270/10**

**THE FUTURE OF YOUTHS, A JOINT RESPONSIBILITY**

During a meeting with students of the Autonomous University of Baja California, the president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, assured that the involvement of civil society and public institutions is necessary in order to work together on an agenda which establishes where to focus the work of future generations for the benefit of our country. The CNDH has been working together with several organizations to implement the National Network for Comprehensively Aiding Youths whose aim it is to foster and protect their fundamental rights. The National Network's task will be to suggest programs which establish links with public and private bodies, at all levels of government, in order to increase coverage. Collaboration will be present in programs and public policies which promote the culture of protecting the rights of youths in general and prevent conducts which endanger their physical and emotional integrity.

**CGCP/271/10**

**CNDH AND ECONOMISTS ENCOURAGE A CULTURE OF RESPECT**

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, signed a agreement with the National School of Economics to work together on human rights training, encouragement and protection. Various educational and cultural activities aimed at civil society will be sponsored in an attempt to strengthen the culture of respect and safekeeping of its rights. Deputy Jesús Alberto Cano Vélez, president of the National School of Economics, expressed his satisfaction with the signing of the agreement, as it will promote forums, meetings and discussion panels on rights which contribute to the wellbeing of Mexicans.

**CGCP/272/10**

**CNDH AND THE MEXICAN SOCIAL SECURITY INSTITUTE (IMSS) WORK TOGETHER**

Raúl Plascencia Villanueva, president of the Mexican National Human Rights Commission, presented the Compendium of Official Mexican Norms On the Right to Health Protection and underlined that having adequate parameters, such as this document created jointly by the CNDH and the IMSS, allows for directing health services as best as possible. It includes the 43 main Official Norms which identify the essential minimum requirements to be followed by health institutions. The president of the CNDH thanked those who made the compilation and presentation of the document possible. The director of the IMSS, Daniel Karam, assured that there is an undeniable commitment with the unrestricted respect of human rights at the Institute.

**CGCP/273/10**

**SUPREME COURT RESOLUTION FAVORS CNDH**

The National Supreme Court of Justice discarded the constitutional controversy brought forth by the Federal Institute for Access to Public Information (IFAI) against the CNDH as it considered it to be expressly and undoubtedly invalid. It is therefore confirmed that the action brought forth by the IFAI lacks constitutional backing. In light of the Constitutional Tribunal's resolution, the CNDH reiterates it respects legal order and, above all, it respects the reach of the powers granted to it by constitutional article 102, paragraph B, which gives it the task of protecting the rights of all Mexicans against actions or omissions of an administrative nature caused by any authority or civil servant, with the exception of those from the Judicial Branch of the Federation and those pertaining to labor and election related matters.

**CGCP/274/10**

**CNDH SUGGESTS CREATING AN IBEROAMERICAN OBSERVATORY**

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, proposed the creation of an Iberoamerican Observatory on Migration and Human Trafficking. Its objective would be to identify urgent issues and patterns of violations to the human rights of migrants and victims of trafficking with the aim of executing coordinated protective measures and suggest regional public policies to address these phenomena. The Observatory would be integrated by the members of the Iberoamerican Federation of Ombudsman (FIO): Andorra, Argentina, Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Spain, Guatemala, Honduras, México, Nicaragua, Panamá, Paraguay, Perú, Portugal, Puerto Rico and Venezuela. Its participants are defenders of the people, state attorneys and leaders of public human rights commissions from Iberoamerican countries at national, state, regional and provincial levels.

**CGCP/275/10**

**CNDH PROPOSAL APPROVED AT IBEROAMERICAN SUMMIT**

The Mexican National Human Rights Commission's (CNDH) proposal to create the Iberoamerican Observatory on Migration and Human Trafficking was approved by acclamation. The participants of the XV Annual Congress and Assembly of the Iberoamerican Federation of Ombudsman (FIO) agreed to execute coordinated protective measures and suggest regional public policies in favor of migrants. Plascencia Villanueva was thankful for the support received by his proposal and added that this joint effort will unquestionably benefit migrants and those who could become victims of trafficking. According to the statistics of international organizations, there are around 214 million migrants worldwide. Approximately one in every 33 people is a migrant on our planet.

**RECOMENDACIONES**

Below is a summary of the Recommendations issued by CNDH during October 2010. The complete version can be found on the institution's website:

<http://www.cndh.org.mx/cartnews/cartnws.htm>

**RECOMMENDATION 49/2010**

Mexico City, September 28<sup>th</sup>, 2010

**SUBJECT: ABOUT THE CASE OF ARBITRARY DETENTION, ILLEGAL RETENTION, ISOLATION AND TORTURE OF V1, V2 AND V3**

**AUTHORITY RESPONSIBLE:**

SECRETARY OF NATIONAL DEFENSE

FEDERAL SECRETARY OF PUBLIC SAFETY

At approximately 05:00 hours on September 19<sup>th</sup>, 2008, V1, V2 and V3 were detained in each of their homes located within the municipality of Ciudad Lerdo, Durango by soldiers of the Mexican Army's 72<sup>nd</sup> Infantry Battalion from the *5 de Mayo* Military Complex in Durango, as well as by Federal Support troops of the Secretariat of Public Safety's former Preventive Federal Police Force (PFP), without showing a warrant to justify their actions.

The three of them were beaten and forced to board vans of the Secretariat of National Defense (SEDENA) and of the former PFP and were then taken to the facilities occupied by military personnel within the Municipal Police Academy in Ciudad Lerdo, where they underwent physical and



psychological mistreatment in order to reveal information related to various crimes. They were then taken to the *5 de Mayo* Military Complex, where the aggressions and torture continued. V1, V2 and V3 were brought before the agent of the Public Prosecutor of the Federation's Office in Durango, Durango at 07:00 hours on the 20<sup>th</sup> of September 2008, approximately 25 hours and 30 minutes after they were detained.

From the logical juridical analysis performed on the entirety of the evidence contained within complaint file CNDH/2008/5026/Q, the National Commission observed that civil servants from the Secretariat of National Defense's 72<sup>nd</sup> Infantry Battalion located in the community of 5 de Mayo, Durango and Federal Support troops of the Secretariat of Public Safety's former Preventive Federal Police Force violated the fundamental rights to legality, legal certainty, integrity and personal safety, stipulated by articles 14, second paragraph; 16, first and fifth paragraphs; 21, first and ninth paragraphs and 22, first paragraph, of the current Political Constitution of the United Mexican States, to the detriment of V1, V2 and V3. This was the result of acts consisting in arbitrary detention, illegal retention, isolation, torture and delay in bringing them before the prosecuting authority.

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, MR. SECRETARY OF NATIONAL DEFENSE:**

**FIRST.** Repair the damage caused to V1, V2 and V3 by means of the medical, psychological and rehabilitation assistance required to return their physical and psychological condition to the way they were before their human rights were violated, informing the National Commission about the result.

**SECOND.** Collaborate generously with the CNDH in the processing of the complaint it presents before the General Inspection and Comptrollership body of the Mexican Army and Air Force against the civil servants of SEDENA who participated in the events condemned in this case, sending any evidence requested as well as proof of compliance to the National Commission.

**THIRD.** Amply collaborate with the presentation and follow-up of the declaration of events presented by the national commission before the Attorney General's Office and the Office of the General Attorney of Military Justice, respectively, so that they may initiate the legally proceeding prior investigations in accordance with their respective jurisdictions, given that it was the conduct of federal public servants which provoked the current recommendation. It must send the national commission proof of compliance as requested.

**FOURTH.** Guarantee that the people detained during the operatives performed by Mexican Army personnel will not be taken to military facilities, bringing them instead before the corresponding prosecuting authority immediately.

**FIFTH.** Instruct whomever it may concern in order for SEDENA civil servants to receive training to ensure that all diligences or actions are performed lawfully and with respect for human rights, guaranteeing respect for life and for personal safety and integrity; refraining from incurring in torture and cruel or degrading treatment. Having done this, the national commission must be given a detailed report.

**TO YOU, MR. SECRETARY OF PUBLIC SAFETY:**

**FIRST.** Repair the damage caused to V1, V2 and V3 by means of the medical, psychological and rehabilitation assistance required to return their physical and psychological condition to the way they were before their human rights were violated, informing the National Commission about the result.

**SECOND.** Collaborate amply with the CNDH in the processing of the complaint which the public institution presents before the Internal Affairs Body of the Federal Police Force against the civil servants of the Federal Support troops of the Secretariat of Public Safety's Federal Police Force who participated in the events condemned in this case.

**THIRD.** Generously collaborate with the CNDH in the processing of the report which the Commission presents to the Attorney General's Office in response to the probable crimes

committed by personnel of the Federal Support troops of the Federal Police Force which was involved in the events.

**FOURTH.** Guarantee that the people detained during the operatives performed by the Federal Support troops of the Secretariat of Public Safety's Federal Police Force will not be taken to Federal Police or military facilities, bringing them instead before the corresponding prosecuting authority immediately.

**FIFTH.** Instruct whomever it may concern so that the civil servants of the Secretariat of Public Safety are trained to ensure that all diligences or actions are performed lawfully and with respect for human rights, guaranteeing respect for life and for personal safety and integrity; refraining from incurring in torture and cruel or degrading treatment. Having done this, the national commission must be given a detailed report.

**RECOMMENDATION 50/2010**

Mexico City, September 29<sup>th</sup>, 2010

**SUBJECT: ABOUT THE CASE OF THE TORTURE OF V1 AND V2**

**AUTHORITY RESPONSIBLE:**  
SECRETARY OF NATIONAL DEFENSE

On January 21<sup>st</sup> 2009, at around 21:30 hours, Mexican Army personnel detained V1 and V2 at the corner of Boulevard Independencia (libramiento) and Puerto de Palos street in the Patria district of Ciudad Juarez, Chihuahua when they were on their way to visit a client. They were subsequently taken to the military facilities of the 20<sup>th</sup> Motorized Cavalry Regiment, where they were tortured in order to obtain their confession accepting they had been involved in several crimes. At 17:30 hours on January 23<sup>rd</sup>, 2009, V1 and V2 were brought before the agent of the Public Prosecutor of the Federation's Office in Ciudad Juarez, Chihuahua, to whom they gave their statements. Their wounds were then confirmed, leading to the initiation of prior investigation (AP) AP1.

From the logical juridical analysis performed on the entirety of the evidence contained within the file at hand, the Mexican National Human Rights Commission warned that V1 and V2 were detained by SEDENA personnel on January 21<sup>st</sup> 2009, at around 21:30 hours. On this matter, Q1 stated in her complaint that she had a telephone conversation with Q1 at around 10:00 hours during which he told her he had been detained by Mexican Army personnel. This led Q1 to visit the gas station located on the corner of Boulevard Independencia (Libramiento) and Puerto de Palos Street in the Patria district of Ciudad Juarez, Chihuahua, where an employee of SEDENA told her that her husband had been detained.

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS:**

**TO YOU, MR. SECRETARY OF NATIONAL DEFENSE:**

**FIRST.** Repair the damage caused to V1 and V2 by means of the medical, psychological and rehabilitation assistance required to return their physical and mental health to the way it was before their human rights were violated, sending proof of compliance to the National Commission.

**SECOND.** Instruct whomever it may concern so that the application of the "Human Rights Program, Secretariat of National Defense (S.D.N.) 2008-2012" and the "Program for the Promotion and Strengthening of Human Rights and International Humanitarian Law S.D.N. 2010" is intensified. These programs must be aimed at the middle ranks and lower ranks and control indicators must be created to evaluate the beneficial impact of this training on respect for human rights. Proof of compliance must be sent to the National Commission.

**THIRD.** Collaborate amply with the Mexican National Human Rights Commission so that Army personnel involved in public safety duties, mainly operatives against organized crime, refrain from using force except when strictly necessary. This will avoid abuse of power due to actions such as torturing the people they detain as a result of these duties. Proof of compliance must be sent to the National Commission.

**FOURTH.** Generously collaborate with the Mexican National Human Rights Commission during the administrative procedure of investigation initiated before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force in response to the considerations mentioned within this recommendation. Any proof of compliance requested must be delivered.

**FIFTH.** Amply collaborate with the presentation and follow up of the declaration of events which the national commission presents before the Attorney General's Office and the Office of the General Attorney of Military Justice, respectively, in order for them to initiate the legally corresponding prior investigation in accordance with their jurisdiction, given that the actions of federal civil servants caused this recommendation. Any proof of compliance requested must be sent to the national commission.

**SIXTH.** Issue an official missive aimed at military personnel so that people detained in flagrante are brought before the corresponding prosecuting authority immediately and without delay in accordance with article 16, fifth paragraph, of the Political Constitution of the United Mexican States. This is to keep them from being taken to military facilities in order to perform physical integrity evaluations given that the PGR has its own medical experts to perform such revisions. Once this is done, a copy of such missive must be sent to the national commission.

**RECOMMENDATION 51/2010**

Mexico City, September 29<sup>th</sup>, 2010

**SUBJECT: ABOUT V1'S RECOURSE OF IMPUGNATION**

**AUTHORITY RESPONSIBLE:**

MADAME PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF DURANGO'S LXV LEGISLATURE  
CITIZEN MEMBERS OF THE HONORABLE TOWN HALL OF NUEVO IDEAL, DURANGO

On the 1<sup>st</sup> of August 2009, V1 and two other people were passing by the Regional Hospital of the Nuevo Ideal municipality in Durango onboard their van when three agents assigned to the Municipal Public Safety Bureau ordered them to stop. When they descended from the vehicle, AR1 pulled out a firearm and fired three shots into the air and when he was questioned as to the reason behind this action, he fired his weapon once again, injuring V1's left foot.

Once the corresponding inquiries had been made, the CNDH issued recommendation 84/2009 addressed to the municipal president of Nuevo Ideal, Durango on December 16<sup>th</sup> 2009. It did so because it considered that V1's human rights to personal integrity and safety had been violated by civil servants assigned to the municipality's Public Safety Bureau.

Once the recommendation had been served, the municipal president of Nuevo Ideal did not confirm its acceptance, meaning it was confirmed by decree according to article 54 of the State Human Rights Commission of Durango's Fundamental Law. On March 25<sup>th</sup> 2010, V1 lodged a recourse of impugnation because he believed that, in this case, the civil servant had not complied with recommendation 84/2009. The National Commission therefore asked the municipal president of Nuevo Ideal, Durango, to report on the actions taken to fulfill recommendation 84/09 to no avail.

From the logical juridical analysis performed on the entirety of the evidence contained within the current recourse of impugnation, it is possible to note that the human rights to personal safety and integrity were violated to the detriment of V1 by AR1, a civil servant assigned to the Public

Safety Bureau of the Municipality of Nuevo Ideal, Durango because of actions consisting in the unlawful use of his power which led to the wounding of the victim.

In light of these events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, CITIZEN MEMBERS OF THE TOWN HALL OF NUEVO IDEAL, DURANGO:**

**SOLE RECOMMENDATION.** Proceed to instruct whomever it may concern in order for recommendation 84/09, issued by the State Human Rights Commission of Durango on December 16<sup>th</sup> 2009 and addressed to the municipal president to be complied with. Proof of total observance and fulfillment must be sent to the National Commission.

**TO YOU, MADAME DEPUTY PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF DURANGO'S LXV LEGISLATURE:**

**FIRST.** Take the necessary steps to comply with the terms of recommendation 84/09, issued by the State Human Rights Commission of Durango for the municipal president of Nuevo Ideal, Durango. If he reiterates his unacceptance of it, an investigation must be initiated to determine the administrative responsibilities in which he may have incurred, as well as because of his failure to reply to the request for information. Proof of compliance must be sent to the National Commission.

**SECOND.** Urge the Town Hall of Nuevo Ideal, Durango to submit the reports requested by the Mexican National Human Rights Commission in order to comply with what is established by the commission's law.

**RECOMMENDATION 52/2010**

Mexico City, September 30<sup>th</sup>, 2010

**SUBJECT: ABOUT THE CASE OF MR. V**

**AUTHORITY RESPONSIBLE:**  
SECRETARY OF NATIONAL DEFENSE

On June 24<sup>th</sup> 2009, V was detained in Ciudad Juarez, Chihuahua by two SEDENA staff members, AR1 and AR2. He was taken to the Command Post of the "Chihuahua Joint Operation" and, hours later, he was brought before the agent of the Public Prosecutor of the Federation's Office. This prosecuting authority lodged and recorded prior investigation 1 (AP1), which led to judicial inquest (CP) CP1.

In his official statement, V accused Mexican Army personnel of hitting him repeatedly in his ribs and face at the time of his detention and during the time he spent at the military facilities. Because of this, the agent of the Public Prosecutor of the Federation's Office agreed to forward the details to the civilian representative of the army, which led to the initiation of prior investigation AP2 at the Office of the General Attorney of Military Justice, which is currently being integrated.

From the logical juridical analysis performed on the entirety of the evidence contained in the file, it was determined that AR1 and AR2 detained V at the corner of Guatemala and Carlos Villarreal whilst on patrol in Ciudad Juarez, Chihuahua, based on an anonymous phone call which informed them about a person who was selling drugs.

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, MR. SECRETARY OF NATIONAL DEFENSE:**

**FIRST.** Issue instructions so that the damage caused to "V" is repaired by means of the medical and psychological assistance required to return his physical and psychological condition to the way it was before his human rights were violated based on the considerations set forth in the body of the current recommendation. Proof of compliance must be sent to the National Commission.

**SECOND.** Instruct whomever it may concern so that the application of the “Human Rights Program, Secretariat of National Defense (S.D.N.) 2008-2012” and the “Program for the Promotion and Strengthening of Human Rights and International Humanitarian Law S.D.N. 2010” is intensified. Also, these programs must be aimed at the middle ranks and lower ranks and management indicators must be created to evaluate the beneficial impact of this training on respect for human rights. Proof of compliance must be sent to the National Commission.

**THIRD.** Instruct military personnel so that people detained in flagrante are brought before the corresponding prosecuting authority immediately, without being taken to military facilities and, having done this, the National Commission must be briefed in detail.

**FOURTH.** Collaborate generously with the National Commission in the processing of the complaint it presents before the General Inspection and Comptrollership body of the Mexican Army and Air Force against the personnel involved in the events stated in this case.

**FIFTH.** Amply collaborate with the presentation and follow up of the declaration of events which the national commission presents before the Attorney General's Office and the Office of the General Attorney of Military Justice, respectively, in order for them to initiate the legally corresponding prior investigation in accordance with their jurisdiction, given that the actions of federal civil servants caused this recommendation. Any proof of compliance requested must be sent to the national commission.

**SIXTH.** Brief the General Attorney of Military Justice on the detailed considerations mentioned within the observations chapter of this document in order for him to continue with the integration of AP2 in accordance with his faculties, so that its lawful resolution is issued.

**RECOMMENDATION 53/2010**

Mexico City, September 30<sup>th</sup>, 2010

**SUBJECT: ABOUT THE CASE OF RELIGIOUS INTOLERANCE AT THE LÁZARO CÁRDENAS CHILIL COMMUNAL LAND IN HUIXTÁN, CHIAPAS**

**AUTHORITY RESPONSIBLE:**

CONSTITUTIONAL GOVERNOR OF THE STATE OF CHIAPAS

PRESIDENT OF THE BOARD OF DIRECTORS OF THE CONGRESS OF THE STATE OF CHIAPAS

MEMBERS OF THE CONSTITUTIONAL TOWN HALL OF HUIXTÁN, CHIAPAS

On November 22<sup>nd</sup> 2009, the National Commission received the complaint presented by Q, pastor of the Mexican Church of the Biblical Communion of Believers (Iglesia Bíblica Comunión de Creyentes de México, A.C.) at the House of Worship Mission in San Cristóbal de las Casas, Chiapas. In it, he stated that during a meeting held on that day at the Lázaro Cárdenas Chilil communal land in the Municipality of Huixtán, Chiapas, the authorities of such place decided to expel V1, V2 and V3, as well as an additional seventeen inhabitants due to their religious beliefs. AR1 and T1 were in attendance at the meeting and they forced the offended to “renounce their faith”, some of whom were in San Cristóbal de las Casas, Chiapas, whilst others were at the communal land and their physical integrity was feared to be at risk.

From the logical juridical analysis performed on the evidence contained within complaint file CNDH/5/2009/5696/Q, it was determined that the human rights to legality and legal certainty, to non-discrimination due to religious reasons and to freedom of belief were infringed upon to the detriment of the offended.

In light of these events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, THE CONSTITUTIONAL GOVERNOR OF THE STATE OF CHIAPAS:**

**FIRST.** Take the necessary steps to guarantee the return of those expelled to the Lázaro Cárdenas Chilil communal land in the Municipality of Huixtán, Chiapas, as well as peaceful

coexistence, respect for their estate and the freedom to practice the religion of their choosing. In order to do this, the Specific Guidelines of the Project for Assisting Displaced Migrants must be considered. The National Commission must be informed about the result.

**SECOND.** Provide humanitarian aid for the offended that are still lodged at the *La Albarrada* Community Development Center, run by the State of Chiapas's Secretariat of Indigenous People, located in San Cristóbal de las Casas, within that federative entity. Proof of compliance must be sent to the National Commission.

**THIRD.** Issue instructions to whomever it may concern in order to carry out actions in conjunction with the municipal authorities to solve the religious conflict within the Lázaro Cárdenas Chilil communal land in the Municipality of Huixtán, Chiapas. The National Commission must be informed of the result.

**FOURTH.** Issue instructions to whomever it may concern so that the necessary steps are taken to offer training programs for the civil servants of the government of Chiapas regarding the duties assigned to them by current laws on the subject of safekeeping the right to freedom of belief. Once this has been done, the National Commission must be briefed.

**FIFTH.** Instruct whomever is responsible so that a program to educate people on current laws, the modus operandi of the legal system and the bodies which constitute it, as well as the harmonization of such bodies with the traditions and ways of indigenous people is implemented in accordance with what is established within article 28 of the Indigenous People's Rights and Culture Law of the State of Chiapas. Once this has been done, the National Commission must be informed.

**TO YOU, MR. PRESIDENT OF THE BOARD OF DIRECTORS OF THE CONGRESS OF THE STATE OF CHIAPAS:**

**FIRST.** Implement the necessary measures to initiate the procedure determined by the Political Constitution of the State of Chiapas against AR1, AR3, AR4 and AR6 in order to determine the possible responsibility in which they may have incurred as a result of the events which have been revealed in the current document. Proof of compliance must be sent to the National Commission.

**SECOND.** Urge the government of the state of Chiapas to set up a round table in order to work together and coordinate actions aimed at solving the issue of religious intolerance present within the Lázaro Cárdenas Chilil communal land in the Municipality of Huixtán of the aforementioned federative entity.

**THIRD.** Act as necessary in order for a campaign which disseminates and divulges individual rights and human rights to be developed in conjunction with government bodies which defend human rights. It should target the staff of the Congress of the state of Chiapas, with the goal of raising its awareness of the importance of enforcing and respecting these fundamental rights. Once this has been done, the National Commission must be briefed.

**TO YOU, THE MEMBERS OF THE CONSTITUTIONAL TOWN HALL OF HUIXTÁN, CHIAPAS:**

**FIRST.** Implement urgent measures in order for the conflict of religious intolerance present within the Lázaro Cárdenas Chilil communal land in the Municipality of Huixtán, Chiapas to be resolved in conjunction with the state government, guaranteeing the peaceful coexistence of its inhabitants and respect for freedom of belief. Proof of compliance must be sent to the National Commission.

**SECOND.** Proceed to issue instructions in order for the civil servants of that Town Hall to refrain from getting involved in illegal acts, such as those stated in the case at hand, whose aim is to restrict the freedom of belief of the inhabitants of the aforementioned land. Proof of compliance must be sent to the National Commission.

**THIRD.** Collaborate amply with the Mexican National Human Rights Commission in the filing and processing of the complaint it presents before the Municipal Internal Affairs Office of Huixtán, Chiapas against AR2 and AR5. This action's goal is to determine the responsibility in which they may have incurred as a result of the events set forth within the document at hand. Proof of compliance must be sent to the National Commission.

**FOURTH.** Instruct whomever it may concern so that the necessary steps are taken to offer training programs for the civil servants of the previously mentioned Municipality regarding the duties assigned to them by current laws on the subject of safekeeping the right to freedom of belief. Once this has been done, the National Commission must be briefed.

**RECOMMENDATION 54/2010**

Mexico City, October 1<sup>st</sup>, 2010

**SUBJECT: ABOUT THE CASE OF V2**

**AUTHORITY RESPONSIBLE:**

CONSTITUTIONAL GOVERNOR OF THE STATE OF CHIHUAHUA

As a result of "V1"'s murder, which took place on October 8<sup>th</sup> 2009 in Nuevo Casas Grandes, Chihuahua, on the 12<sup>th</sup> day of the same month and year, staff from the National Commission was in touch with "V2", who requested the enforcement of precautionary measures to ensure her safety and physical integrity and that of her family. These measures were requested from the government of the state of Chihuahua; subsequently, it was discovered that "V2" was killed by an armed group on November 5<sup>th</sup> 2009. This led to the initiation of prior investigation "AP3" at the District Attorney's Office of the previously mentioned federative entity, inquiry which is currently being processed, whilst the whereabouts of "V2" are still unknown.

From the logical juridical analysis of the events and evidences which constitute complaint file CNDH/5/2009/4790/Q, detailed in the preceding paragraphs, it was determined that the government of the state of Chihuahua's authorities infringed upon the human rights to legal certainty and to personal safety and integrity to the detriment of "V2".

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, THE CONSTITUTIONAL GOVERNOR OF THE STATE OF CHIHUAHUA:**

**FIRST.** Instruct whoever is responsible so that the necessary steps are taken to repair the damage brought upon "T" in light of the considerations set forth in this recommendation. This must be done through the medical and psychological aid needed to reestablish the victim's physical and mental health. Proof of compliance must be sent to the National Commission.

**SECOND.** Issue instructions so that whoever is responsible expedites and lawfully concludes the prior investigation related to "V2" being deprived of her freedom and so that all of the necessary actions are executed to locate her. The National Commission must be informed about the way the prosecuting authority's investigation is handled.

**THIRD.** Issue instructions for whoever it may concern to amply collaborate with the filing and follow-up of the declaration of events which the national commission presents to the District Attorney's Office of the state of Chihuahua in response to the omissions of the civil servants who did not efficiently implement the safety and protection measures in favor of "V2" and her family. This must be done so that it can begin the prior investigation required by law in accordance with its jurisdiction, given that the actions of federal civil servants caused this recommendation. Any proof of compliance requested must be sent to the national commission.

**FOURTH.** Issue an official missive targeting all of the authorities which depend on your administration in order for them to comply with the implementation of precautionary measures requested by human rights protecting institutions in the future, thus avoiding situations similar to those described within this recommendation.

**FIFTH.** Instruct whomever it may concern to collaborate with the Mexican National Human Rights Commission in the administrative procedure of investigation initiated before the General

Comptrollership of the state of Chihuahua in light of the considerations expressed in this recommendation. Proof of compliance must be sent as requested.

**SIXTH.** Proceed to issue instruction for whoever is responsible in order to design a Comprehensive Educational Program on Human Rights targeting all of the staff of the state government of Chihuahua, including middle and upper ranks. This aims to make the duties they perform in accordance with their faculties strictly legal and respectful of human rights. Proof of compliance must be sent to the National Commission.

**RECOMMENDATION 55/2010**

Mexico City, October 6<sup>th</sup>, 2010

**SUBJECT: ABOUT THE CASE OF INADEQUATE MEDICAL ATTENTION AT THE DR. DARÍO FERNÁNDEZ FIERRO GENERAL HOSPITAL OF THE ISSSTE TO THE DETRIMENT OF V1**

**AUTHORITY RESPONSIBLE:**

HEAD OF GENERAL MANAGEMENT AT THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES (ISSSTE)

On October 30<sup>th</sup> 2009, V1 visited the *Doctor Darío Fernández Fierro* General Hospital (HG) of the ISSSTE where she was subjected to a hysterectomy due to an ovarian tumor which had burst; she was released from hospital on the 3<sup>rd</sup> of November of the same year even though she was vomiting. Subsequently, she visited the HG's gynecology ward on November 6<sup>th</sup> 2009 in order to have the stitches which she received during the surgery removed. When she was examined, it was decided that she would be admitted once again and would be placed under medical supervision; however, she spent the next 2 days without receiving the aforementioned medical care. She was examined again on November 9<sup>th</sup> 2009 and was finally released on November 12<sup>th</sup> 2009 without the detection of the mucinous serous cystadenocarcinoma extending beyond the ovary (ovarian tumor) she possessed.

Continuing with the case, she visited the emergency room of the HG once again. There she underwent several tests and was examined by various doctors. Given that she continued to suffer from painful symptoms, she was subjected to an exploratory laparotomy which revealed advanced stage malignant tumors with multiple intraperitoneal metastases. This was additionally confirmed by the tumor indicating markers, which meant she could not be offered any form of treatment and was therefore released from the HG on December 8<sup>th</sup> 2009. She died on January 10<sup>th</sup> 2010.

From the logical-legal analysis performed on the entirety of the evidence contained within file CNDH/1/2009/5447/Q, the National Commission was able to gather sufficient proof to confirm the violation of the human right to health protection and to life to the detriment of V1, attributable to medical staff of the ISSSTE's *Doctor Darío Fernández Fierro* General Hospital.

In light of these events, the Mexican National Human Rights Commission has decided to issue the following **RECOMMENDATIONS:**

**TO YOU, THE HEAD OF GENERAL MANAGEMENT AT THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES:**

**FIRST.** Instruct whomever it may concern so that the necessary steps are taken to pay compensation to the relatives of V1, or whoever is better entitled to receive it, due to the institutional responsibility incurred upon by the doctors of the Institute of Social Security and Services for State Employees who treated her, based on the considerations set forth in the body of the current recommendation. Proof of compliance must be sent to the National Commission.

**SECOND.** Issue instructions to whomever is responsible so that in the hospitals pertaining to the Institute of Social Security and Services for State Employees, and especially at the *Doctor Darío Fernández Fierro* General Hospital, comprehensive training programs on the contents, handling and observance of the Official Mexican Norms (NOM) on health are developed and carried



out. The goal of this to ensure that the public service which is provided by the medical and nursing staff is adjusted to suit the legal framework and administrative best practices that should be observed when performing their duties, guaranteeing that intervention protocols are applied precisely and thereby avoiding actions such as those that led to the present declaration. Proof of compliance must be sent to the National Commission together with the managerial or evaluative indicators which the staff receiving these courses is subjected to, demonstrating the beneficial impact of their training.

**THIRD.** Instruct all the necessary persons in order to require the medical staff of the Institute of Social Security and Services for State Employees to present a copy of the certification and recertification they obtain from Medical Specialty Boards in order for them to prove they have received updated education and posses the experience and knowledge required to maintain the skills needed to offer an adequate and professional medical service.

**FOURTH.** Cooperate fully with the Mexican National Human Rights Commission in the filing and processing of the complaint presented before the Institute's Internal Control Body against the medical staff of the Institute of Social Security and Services for State Employees in charge of evaluating, operating on and treating V1, sending proof of compliance to the Commission as required.

**FIFTH.** Duly cooperate in the investigations arising from the complaint which the Mexican National Human Rights Commission presents before the Attorney General's Office in light of these events, as the case involves federal civil servants. Proof of compliance must be sent to the Commission as requested.

**RECOMMENDATION 56/2010**

Mexico City, October 6<sup>th</sup>, 2010

**SUBJECT: ABOUT THE CASE OF MR. V1, ATTACKS AGAINST JOURNALISTS**

AUTHORITY RESPONSIBLE:  
SECRETARY OF NATIONAL DEFENSE

On June 4th 2009, "V" was physically and verbally attacked by personnel from the Secretariat of National Defense and was wounded as a result. This happened whilst "V" was doing his job as a journalist for the *Diario de Juárez*, reporting on a road accident in Ciudad Juarez, Chihuahua, involving military personnel and civil servants who were performing public safety duties to assist the municipal authority of the aforementioned location.

From the logical juridical analysis performed on the entirety of the evidence contained within complaint file CNDH/5/2009/2629/Q, it was determined that the human rights to legality, legal certainty, dignified treatment, personal safety and integrity, as well as to freedom of speech, were violated to the detriment of "V". This was the result of an excessive use of force by civil servants of the Secretariat of National Defense when they kept him from performing his journalistic duties.

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, MR. SECRETARY OF NATIONAL DEFENSE:**

**FIRST.** Take the necessary steps to repair the damage brought upon "V" by means of the medical, psychological and rehabilitation aid needed to reestablish his physical and mental health. The National Commission must be informed on the result.

**SECOND.** Proceed to instruct whoever it may concern in order for the General Inspection and Comptrollership Unit of the Mexican Army and Air Force to collaborate generously with the Mexican National Human Rights Commission in the initiation and processing of the complaint filed against

the military personnel who participated in the events described in this case. Proof of compliance must be sent to the Commission.

**THIRD.** Amply collaborate with the Mexican National Human Rights Commission in the initiation and processing of the prior investigation which it requests from the Office of the General Attorney of Military Justice as well as from the Attorney General's Office against the personnel of the aforementioned Secretariat which intervened in the events condemned in this case.

**FOURTH.** Instruct whomever it may concern so that the application of the "Human Rights Program, Secretariat of National Defense (S.D.N.) 2008-2012" and the "Program for the Promotion and Strengthening of Human Rights and International Humanitarian Law S.D.N. 2010" is intensified. These programs must be aimed at the middle ranks and lower ranks and control indicators must be created to evaluate the beneficial impact of this training on respect for human rights. Proof of compliance must be sent to the National Commission.

**FIFTH.** Instruct whoever is responsible in order for Army personnel involved in public safety duties, mainly operatives against organized crime, to refrain from using force except when strictly necessary. This will avoid abuse of power by means of actions such treating the people they detain as a result of these duties cruelly or humiliatingly. Proof of compliance must be sent to the National Commission.

**RECOMMENDATION 57/2010**

Mexico City, October 6<sup>th</sup>, 2010

**SUBJECT: ABOUT THE CASE OF TORTURE TO THE DETRIMENT OF V1, V2, V3 AND V4**

AUTHORITY RESPONSIBLE:  
SECRETARY OF NATIONAL DEFENSE

On April 16<sup>th</sup> 2008, "V1", "V2", "V3" and "V4" were at the car washing business called *El Coyote* when Mexican Army personnel entered the locale. They interrogated them and passed electric current through their body using a device known as *chicharra*, applying it on their abdomen and back. From there, the soldiers entered the old house and later took the offended to that same house, where they showed them firearms and drugs and continued interrogating them. During the early hours of April 17<sup>th</sup> 2008, the offended were taken to the Secretariat of National Defense's base of operations in Caborca, Sonora. At 18:00 hours on April 17<sup>th</sup> 2008, the agent of the Public Prosecutor of the Federation's Office initiated "AP1" in response to "AR1"'s declaration of events in the presence of detainees. In it he expressed the commission of health crimes resulting from the possession of the drug known as cocaine chlorohydrate as well as others for resale purposes and, on April 19<sup>th</sup> 2008, he took legal action against "V1", "V2", "V3" and "V4"

On August 13<sup>th</sup> 2008, the Fourth District Judge of the State of Sonora acquitted "V1", "V2", "V3" and "V4", a decision which was ratified on October 28<sup>th</sup> 2008 by the Fourth Single Magistrate Tribunal of the Fifth Judicial Circuit, located in Hermosillo, Sonora. In response to the statements given by "V1", "V2", "V3" and "V4" to the agent of the Public Prosecutor of the Federation's Office and the Fourth District Court of the State of Sonora, both authorities forwarded the details of "AP1" and "CP1" to the civilian representative of the army assigned to the Army Detachment stationed in Caborca, Sonora. Consequently, he began "AP2" and, on November 12<sup>th</sup> 2008, the General Attorney of Military Justice decided to archive the investigation.

From the logical juridical analysis of the evidence which is included in complaint file CNDH/5/2008/2851/Q, it was determined that the right to freedom, legality, legal certainty as well as to personal integrity and safety were violated in this case to the detriment of "V1", "V2", "V3" and "V4" as a result of acts consisting in torture, arbitrary detention and unlawful retention, committed by civil servants of SEDENA.

In light of these events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, MR. SECRETARY OF NATIONAL DEFENSE:**

**FIRST.** Repair and compensate "V1", "V2", "V3" and "V4" for the damage caused by means of the medical, psychological and rehabilitation assistance required to return their physical and psychological health to the way it was before their human rights were violated, informing the National Commission about the result.

**SECOND.** Extract "AP2" from the archives, keeping in mind what has been mentioned in the observations chapter of the document at hand, and conclude the investigation in accordance with the law, informing the National Commission about the procedure which the prosecuting authority's investigation is subjected to and about the way it is resolved.

**THIRD.** Instruct whoever it may concern in order for administrative procedure of investigation 1 (P.A.I.1) to be initiated, taking into account the investigation performed in this recommendation and informing the National Commission about its resolution when it is concluded.

**FOURTH.** Issue instructions to whomever it may concern so that there ample collaboration during the presentation and follow up of the declaration of events which the national commission presents before the Attorney General's Office, in order for it to initiate the legally corresponding prior investigation in accordance with its jurisdiction, given that the actions of federal civil servants caused this recommendation. Any proof of compliance requested must be sent to the national commission.

**FIFTH.** Instruct whoever is responsible in order to guarantee that people detained in flagrante are brought before the corresponding prosecuting authority immediately, without previously being taken to military facilities.

**SIXTH.** Instruct whomever it may concern so that the application of the "Human Rights Program, Secretariat of National Defense (S.D.N.) 2008-2012" and the "Program for the Promotion and Strengthening of Human Rights and International Humanitarian Law S.D.N. 2010" is intensified. These programs must be aimed at the middle ranks and lower ranks and control indicators must be created to evaluate the beneficial impact of this training on respect for human rights. Proof of compliance must be sent to the National Commission.

**RECOMMENDATION 58/2010**

Mexico City, October 7<sup>th</sup>, 2010

**SUBJECT: ABOUT THE RECOURSE OF IMPUGNATION BROUGHT FORTH BY V1 AND V2**

**AUTHORITY RESPONSIBLE:**

PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF OAXACA'S LX LEGISLATURE

MEMBERS OF THE H. TOWN HALL OF SANTA MARÍA YALINA, VILLA ALTA DISTRICT, OAXACA

The State Human Rights Commission of Oaxaca received "V1" and "V2"'s declaration on September 24<sup>th</sup> 2008. In it, they revealed that the Town Hall of Santa María Yalina, Villa Alta district, appointed "V1" as municipal police officer during 2008 but, as he was unable to occupy this position, he was told that the property which he owned in the district would be seized.

Consequently, the aforementioned local commission began file CDDH/1168/(27)/OAX/2008 and once the corresponding investigation had been concluded, it offered a conciliatory proposal to the Council of the Town Hall of Santa María Yalina, Villa Alta district, Oaxaca. However, the head of the previously mentioned town hall informed the local commission of his unacceptance of such proposal through official missive 7/2009, dated on January 27<sup>th</sup> 2009. It therefore issued recommendation 19/2009, addressed to the members of the Town Hall of Santa María Yalina, Villa Alta district, Oaxaca and, on the 28<sup>th</sup> of October 2009, the president of the aforementioned

municipality told the state commission he would not accept the recommendation. Dissatisfied with the aforementioned municipal authority's unacceptance, "V1" and "V2" filed the corresponding recourse of impugnation on November 12<sup>th</sup> 2009.

From the logical juridical analysis performed on the entirety of the evidence which is contained within file CNDH/3/2009/328/RI, the National Commission considers the impugnation recourse filed by "V1" and "V2" regarding the unacceptance of recommendation 19/2009 by the Town Hall of Santa María Yalina, Villa Alta district, Oaxaca, to be valid and well founded. This was determined due to the fact that violations to "V1" and "V2"'s human rights to legal certainty, legality and property were confirmed.

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, MR. PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF OAXACA'S LX LEGISLATURE:**

**SOLE RECOMMENDATION.** Order whoever is responsible to initiate the legally required investigation to determine the responsibility in which civil servants of the Town Hall of Santa María Yalina, Villa Alta district, Oaxaca, may have incurred due to their unacceptance of recommendation 19/2009 issued by the State Human Rights Commission of Oaxaca, responding to the considerations set forth in the observations chapter of this document. The Mexican National Human Rights Commission must be kept informed on this issue.

**TO YOU, THE HONORABLE MEMBERS OF THE TOWN HALL OF SANTA MARÍA YALINA, VILLA ALTA DISTRICT, OAXACA:**

**SOLE RECOMMENDATION.** Instruct whoever is responsible so that recommendation 19/2009, issued on August 13<sup>th</sup> 2009 by the State Human Rights Commission of Oaxaca, is fully complied with. The Mexican National Human Rights Commission must be kept informed on this issue.

**RECOMMENDATION 59/2010**

Mexico City, October 11<sup>th</sup>, 2010

**SUBJECT: ABOUT THE CASE OF MINOR V1**

**AUTHORITY RESPONSIBLE:**  
**SECRETARY OF PUBLIC EDUCATION**

In May 2009 V1, an underage student at educational facility C in Villahermosa, Tabasco, was asked for a sum of money to have her school problems resolved by AR3, a teacher at the aforementioned facility, which she refused to pay.

On the other hand, professor AR1, also assigned to the aforementioned facility, offered 17 year-old V1, who was his student at the stated schooling facility, to set her academic situation straight in exchange for engaging in sexual intercourse with him, an action which took place on that same day.

On September 24<sup>th</sup> 2009 Q1, mother of V1, told AR2, headmaster of educational facility C, about these events, leading him to initiate three administrative reports. However, he said that he failed to process them because the plaintiff refused to be present during their filing, causing the reports to lack all of the necessary legal requirements for them to be valid.

Based on the logical juridical analysis performed on the evidence contained within file CNDH/5/2009/5114/Q, it was possible to determine that the rights to integrity, legality and legal certainty of minor V1 were violated by civil servants AR1, AR2 and AR3 of the Secretariat of Public Education.

Due to the aforementioned events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, MR. SECRETARY OF PUBLIC EDUCATION:**

**FIRST.** Order whoever it may concern to take the necessary steps to repair the damage caused to V1 by means of the psychological attention needed to address the issues she is dealing with until her mental state has been totally reestablished. Proof of compliance must be sent to the National Commission.

**SECOND.** Collaborate amply with the Mexican National Human Rights Commission during the assembly of the complaint to be filed before the Internal Affairs Department of such Secretariat regarding the events which were detrimental to V1, brought forth in Q1's complaint against AR1, AR2 and AR3.

**THIRD.** Instruct all the necessary persons in order to push for preventive, corrective and supervision measures at the schooling facilities dependant on the aforementioned Secretariat that deal with underage students, thereby guaranteeing that actions such as those which provoked the current recommendations will not take place again. Proof of compliance must be sent to the National Commission.

**FOURTH.** Order whoever is responsible to provide the civil servants who work at the Secretariat's schooling facilities with training on human rights, specially focusing on the rights of minors. Proof of compliance must be sent to the National Commission.

**FIFTH.** Require the dissemination of information aimed at students and parents, enabling them to file reports or receive advice in case of being offended by the actions of the civil servants who work at schooling facilities. Proof of compliance must be sent to the National Commission.

**SIXTH.** Issue orders to whoever it may concern so the way a teacher behaves with and treats underage students is considered when hiring new faculty members and current faculty is also evaluated on these aspects. They must also undergo periodic personality tests, all with the aim of preventing behavior such as that which led to this recommendation from occurring again. Proof of compliance must be sent to the National Commission.

**RECOMMENDATION 60/2010**

Mexico City, October 14<sup>th</sup>, 2010

**SUBJECT: ABOUT THE CASE OF A SUSPENDED LIFELONG ORPHAN'S PENSION AND MEDICAL SERVICES TO THE DETRIMENT OF V1**

**AUTHORITY RESPONSIBLE:**

HEAD OF GENERAL MANAGEMENT AT THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES (ISSSTE)

The events took place at two different times. The first occurred on February 13<sup>th</sup> 2007 when, according to Q1, his brother, V1, who suffers from convulsive crises (epilepsy), was stripped of the card with which he claimed his lifelong orphan's pension which was given to him on April 25<sup>th</sup> 1994 by the Institute of Social Security and Services for State Employees' representative for the southern region of the Federal District. Subsequently, the second event took place during August 2008, at which time the staff of the ISSSTE's Hospital-Clinic in Manzanillo, Colima refused to give him the medical attention he required, a service which he had been receiving since January 27<sup>th</sup> 1995.

Along these lines, Q1 considered it unfair for V1 not to receive any of the money which his pension entitled him to, even though his card was "active" at the time. He therefore requested the intervention of the Mexican National Human Rights Commission to find out who had benefitted from this. The National Commission consequently initiated file CNDH/1/2008/4790/Q, asking the general manager of the ISSSTE for the corresponding report, as well as for V1's medical history.

From logical juridical analysis performed on the entirety of the evidence contained within file CNDH/1/2010/1742/Q, the National Commission was able to gather sufficient proof to confirm the

violation of the rights to health protection, legality and legal certainty and to enjoy social security benefits to the detriment of V1, committed by civil servants of the ISSSTE.

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, THE HEAD OF GENERAL MANAGEMENT AT THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES:**

**FIRST.** Instruct whoever it may concern so that the necessary steps are taken to comprehensively repair the damage caused to V1, in accordance with the terms of the conciliatory proposal dated on February 24<sup>th</sup> 2009, issued by the Mexican National Human Rights Commission. Proof of compliance must be submitted.

**SECOND.** Collaborate with the Mexican National Human Rights Commission during the initiation and processing of the complaint it files before the Internal Affairs Department of the Institute of Social Security and Services for State Employees against the civil servants involved in this matter. Any proof of compliance requested must be sent to the national commission.

**THIRD.** Dully collaborate with the investigations deriving from the report filed by the Mexican National Human Rights Commission before the Attorney General's Office in response to these events, given that federal public servants are involved. Any proof of compliance requested must be sent to the National Commission.

**FOURTH.** Instruct all the necessary persons so that, in the state offices of the Institute of Social Security and Services for State Employees and especially at the Colima State Office, comprehensive training programs on human rights are developed and carried out. The goal of this is to ensure that the service provided by both medical and nursing staff in accordance with their responsibilities, is adjusted to suit the legal framework and done with respect for human rights. Proof of compliance must be sent to the National Commission.

**RECOMMENDATION 61/2010**

Mexico City, October 15<sup>th</sup>, 2010

**SUBJECT: ABOUT THE CASE OF V1'S DEATH IN CIUDAD FRONTERA, CENTLA MUNICIPALITY, STATE OF TABASCO**

AUTHORITY RESPONSIBLE:  
SECRETARY OF THE NAVY

On December 4<sup>th</sup> 2008, the Mexican National Human Rights Commission received the complaint filed by Q1 due to alleged human rights violating events against V1. It stated that at approximately 01:30 hours on November 30<sup>th</sup> 2008 V1 was travelling onboard his vehicle along *Justo Sierra* Street in ciudad Frontera, Centla Municipality, state of Tabasco, when Mexican Navy personnel, who were travelling onboard a patrolling vehicle, ordered him to stop. As V1 did not stop, he was chased and fired upon, causing him to be wounded in the head by a bullet. When he lost control of his vehicle, V1 crashed into a house and was therefore taken to the Health Center of that municipality. At the Center, it was determined that his health was in a critical condition so he was taken to the *Dr. Gustavo A. Rovirosa* Hospital in Villahermosa, Tabasco, where he died five days later.

From the logical juridical analysis performed on the entirety of the evidence which makes up file CNDH/2/2008/5859/Q, the National Commission observed that civil servants from the Secretariat of the Navy violated the human rights to life, personal integrity and safety and to legality and legal certainty to the detriment of V1, resulting in loss of life, arbitrary use of the Navy's power, alteration of the crime scene and unlawful execution of civil service.

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, MR. SECRETARY OF THE NAVY:**

**FIRST.** Instruct whomever it may concern so that the necessary measures are taken to repair the damage inflicted upon the relatives of V1 or anyone who proves to be most lawfully entitled, through the payment of compensation and the necessary psychological and rehabilitation treatments. This is due to the institutional responsibility incurred upon by civil servants of the Secretariat of the Navy, based on the considerations mentioned within this recommendation. Proof of compliance must be sent to the National Commission.

**SECOND** Pay compensation to whoever is able to legally prove ownership of the vehicle driven by V1, or whoever proves to be most lawfully entitled, as well as to the owners of the property which was damaged during the events. Proof of compliance must be sent to the National Commission.

**THIRD.** Instruct whoever is responsible in order for an effective control mechanism to be implemented so that Mexican Navy personnel are periodically submitted to toxicological and psychological tests. Additionally, those tests must be applied to those who participated in the events which provoked the recommendation at hand and their results must be attached to the preliminary investigations. The documents which prove this has been complied with must be sent to the National Commission.

**FOURTH.** Instruct the necessary persons in order for the civil servants of the Secretariat of the Navy to refrain from manipulating crime scenes and/or distorting their historical and legal facts. They must also be educated on the preservation of criminal evidence and once this has been done, proof of compliance must be forwarded to the National Commission.

**FIFTH.** Amply collaborate with the Mexican National Human Rights Commission in order to achieve the design and implementation of a Comprehensive Human Rights Training Program at the Secretariat of the Navy, aimed at the middle and upper ranks as well as the officers of the Mexican Navy. This aims to make them perform their duties with respect for human rights and in accordance with the law and with the conditions of Regulation 003/09 which controls the legitimate use of force by Navy personnel. Proof of compliance must be sent to the National Commission.

**SIXTH.** Collaborate generously with the National Commission during the processing of the complaint it presents before the General Inspection and Comptrollership body of the Mexican Navy against the civil servants of the Secretariat of the Navy involved in the events mentioned in this case. The National Commission must be kept informed since the beginning of the investigation and until the conclusion of the corresponding procedure.

**SEVENTH.** Amply collaborate during the presentation and follow up of the declaration of events which the national commission presents before the Attorney General's Office and the Office of the General Attorney of Military Justice, respectively, in order for them to initiate the legally corresponding prior investigation in accordance with their jurisdiction, given that the actions of federal civil servants caused this recommendation. Any proof of compliance requested must be sent to the national commission.

**RECOMMENDATION 62/2010**

Mexico City, October 20<sup>th</sup>, 2010

**SUBJECT: ABOUT THE CASE OF THE INMATES OF THE CENTER FOR THE EXECUTION OF THE LEGAL CONSEQUENCES OF A CRIME IN MAZATLAN, SINALOA AND THE SECRETARIAT OF PUBLIC SAFETY STAFF OF THAT FEDERATIVE ENTITY**

AUTHORITY RESPONSIBLE:

FEDERAL SECRETARY OF PUBLIC SAFETY

CONSTITUTIONAL GOVERNOR OF THE STATE OF SINALOA

In response to the article published in the *El Universal* newspaper on June 14<sup>th</sup> 2010 which stated that a clash between inmates occurred on that same day at the Center for the Execution of

the Legal Consequences of a Crime in Mazatlan, resulting in the death and injury of several inmates as well as wounded guards and causing personnel from several law enforcement agencies to enter the facility to re-establish order, the Mexican National Human Rights Commission initiate a complaint file automatically in order to begin investigating these events.

From the logical juridical analysis of the written evidence contained within the aforementioned complaint file, the National Commission determined that the rights to personal safety, life, legality, legal certainty, dignified treatment and social reinsertion were infringed upon to the detriment of the inmates of the Center for the Execution of the Legal Consequences of a Crime in Mazatlan. This happened because the authorities in charge of this facility who were involved in the events at hand did not effectively comply with their obligation to guarantee respect for the physical and mental integrity of the inmates, nor did they comply with their duty to provide adequate conditions for their social reinsertion. This means that the Decentralized Administrative Body of Social Prevention and Re-Adaptation of the Secretariat of Federal Public Safety failed to guarantee the inmates' protection and legal certainty offered by the State, as it did not provide aid and protection, nor did it guard, protect, patrol or implement precautionary measures to ensure the safety of the people.

In light of the aforementioned events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, MR. SECRETARY OF FEDERAL PUBLIC SAFETY:**

**FIRST.** Amply collaborate with the Mexican National Human Rights Commission during the initiation and processing of the complaint which the commission presents before the Internal Affairs Department of the Decentralized Administrative Body of Social Prevention and Re-Adaptation of the Secretariat of Federal Public Safety in order for it to investigate the behavior of the civil servants assigned to the previously mentioned administrative body, in accordance with its jurisdiction and the powers given to it, and determine if their actions represent an administrative responsibility. Any evidence requested must be sent to the national commission together with proof of compliance.

**SECOND.** Instruct whoever it may concern so that the requests submitted by the state and Federal District governments which mention that the security of a penitentiary facility or the integrity of the inmates, due to their characteristics and criminological profile, is at risk are addressed in a timely manner, taking the gravity of the matter into account. The documents which prove this has been complied with must be sent to the National Commission.

**THIRD.** Implement comprehensive public policies on penitentiary matters so that the requests which refer to the risks faced by the security of the penitentiary facility and by the inmate population are resolved in accordance with all applicable laws. Proof of compliance must be sent to the National Commission.

**TO YOU, THE CONSTITUTIONAL GOVERNOR OF THE STATE OF SINALOA:**

**FIRST.** Instruct whoever is responsible in order to take the necessary steps to pay compensation to the relatives of the inmates who died during the incident which took place on June 14<sup>th</sup> 2010 at the Center for the Execution of the Legal Consequences of a Crime in Mazatlan, or whoever is most lawfully entitled to receive it, due to the institutional responsibility incurred upon by the civil servants of the Secretariat of Public Safety of the state of Sinaloa as mentioned by the considerations set forth within the recommendation at hand. The documents which prove this has been complied with must be sent to the National Commission.

**SECOND.** Issue instructions in order for the damage caused to V29, V30, V31 and V32 to be repaired by means of the psychological, medical and rehabilitation aid needed to return their physical and psychological condition to the way it was before their human rights were violated, based on the considerations stated within the contents of the current recommendation. Proof of compliance must be sent to the National Commission.

**THIRD.** Amply collaborate with the Mexican National Human Rights Commission during the initiation and processing of the complaint which the commission presents before the Internal Affairs



and Administrative Development Secretariat of the state of Sinaloa in order for it to investigate the behavior of the civil servants of the State Secretariat of Public Safety, in accordance with its jurisdiction and the powers given to it, and determine if their actions represent an administrative responsibility. Any evidence requested must be sent to the national commission together with proof of compliance.

**FOURTH.** Generously collaborate with the National Commission during the initiation and assembly of the prior investigation derived from the declaration of events which the Mexican National Human Rights Commission files before the agent of the Public Prosecutor's Office of the District Attorney's Office of the state of Sinaloa against the personnel who intervened in the events stated in this case. Proof of compliance must be sent to the commission.

**FIFTH.** Send a copy of this document to the prosecuting authority who knows the details of AP2 in order for it to determine, in accordance with the powers given to it, if the civil servants of the state of Sinaloa incurred in a criminal responsibility due to the events mentioned in the current recommendation. Proof of compliance must be sent to the national commission.

**SIXTH.** Instruct whoever it may concern so that AP2 is peremptorily concluded, sending proof of compliance to the National Commission.

**SEVENTH.** Order whoever is responsible to act in order to comply with what is stipulated by article 49, section II of the Execution of the Legal Consequences of a Crime Law of the state of Sinaloa so that such federative entity has at least one maximum security prison within its territory. The documents which prove this has been complied with must be sent to the commission.

**EIGHTH.** Implement comprehensive public policies on penitentiary matters in order to guarantee a dignified and safe stay for inmates at the imprisonment centers under your command by having sufficient space to lodge them, as well as the infrastructure which allows for a separation by categories, in accordance with the contents of article 18 of the Political Constitution of the United Mexican States. The documents which show that this has been done must be forwarded to the national commission.

**NINTH.** Order whoever is responsible to assign the necessary amount of trained Security and Custody personnel to cover the needs of the Center of Legal Consequences of a Crime in Mazatlan, primarily to guarantee the human rights of the inmates. Proof of compliance must be sent to the National Commission.

**TENTH.** Instruct whoever it may concern so that an adequate manual containing the intervention procedures which must be followed by personnel of the Secretariat of Public Safety of the state of Sinaloa during contingencies or mutinies within imprisonment facilities is issued peremptorily. This aims to guarantee an unrestricted respect for human rights based on what has been set forth within this document. Proof of compliance must be sent to the national commission.

**ELEVENTH.** Order whoever is responsible to provide ongoing training for personnel of the Secretariat of Public Safety of the state of Sinaloa on how to respond to contingencies or mutinies within penitentiary facilities in order to guarantee an unrestricted respect for human rights. The evidence which proves this has been complied with must be sent to the commission.

**TWELVTH.** Equip the Center for the Execution of the Legal Consequences of a Crime in Mazatlan with the equipment and technology available to detect forbidden substances and objects as soon as possible, informing the national commission about this situation.

**RECOMMENDATION 63/2010**

Mexico City, October 26<sup>th</sup>, 2010

**SUBJECT ABOUT DENYING MEDICAL ATTENTION AT THE ISSSTE'S DR. DARÍO FERNÁNDEZ FIERRO GENERAL HOSPITAL TO THE DETRIMENT OF V1**

**AUTHORITY RESPONSIBLE:**

HEAD OF GENERAL MANAGEMENT AT THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES (ISSSTE)

On March 9<sup>th</sup> 2010, V1 sat in a wheel chair at the waiting room of the Emergency ward of the ISSSTE's *Doctor Darío Fernández Fierro* General Hospital for at least 3 hours without receiving any medical attention whatsoever. In other words, the administrative staff of this Institute did nothing to get medical personnel to evaluate her health condition at the time of her arrival; this meant that she was not diagnosed in a timely fashion, nor was she given the necessary assistance to safeguard her integrity by the doctors on watch, and one of them even refused to assist her. Finally, V1 died in that waiting room.

From the logical-legal analysis performed on the entirety of the evidence contained within file CNDH/1/2010/1429/Q, as per article 41 of the Mexican National Human Rights Commission Law, sufficient proof was obtained to confirm the violation of the human right to health protection and to life to the detriment of V1, attributable to medical and administrative staff of the ISSSTE's *Doctor Darío Fernández Fierro* General Hospital.

In light of these events, the Mexican National Human Rights Commission has decided to issue the following **RECOMMENDATIONS**:

**TO YOU, THE HEAD OF GENERAL MANAGEMENT AT THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES:**

**FIRST.** Instruct whomever it may concern so that the necessary steps are taken to pay compensation to the relatives of V1, or whoever is better entitled to receive it, due to the institutional responsibility incurred upon by staff of the ISSSTE's *Doctor Darío Fernández Fierro* General Hospital in light of the considerations set forth in the body of the current recommendation. Proof of compliance must be sent to the National Commission.

**SECOND.** Issue instructions to whomever is responsible so that in the hospitals pertaining to the Institute of Social Security and Services for State Employees, and especially at the *Doctor Darío Fernández Fierro* General Hospital, comprehensive training programs on the contents, handling and observance of the Official Mexican Norms (NOM) on health are developed and carried out. Additionally, training programs on human rights must be developed and carried out. The goal of this is to ensure that the service which is provided by medical, nursing and administrative staff is adjusted to suit the legal framework and administrative best practices they must abide by, thereby avoiding actions such as those which led to the present declaration. Proof of compliance must be sent to the National Commission together with the managerial or evaluative indicators which the staff receiving these courses is subjected to, demonstrating the beneficial impact of their training.

**THIRD.** Instruct all the necessary persons so that an official missive is issued, aimed at the staff in charge of admitting hospitals at the emergency wards of the Institute's hospitals, specially at the *Doctor Darío Fernández Fierro* General Hospital, with the goal of attending users in an expedite, efficient and effective way when they ask to be admitted, regardless of their status as right bearers. This must be done in accordance with the contents of Official Mexican Norm NOM-206-SSA1-2002 and the documents which prove this has been complied with must be sent to the national commission.

**FOURTH.** Cooperate fully with the Mexican National Human Rights Commission in the presentation and processing of the complaint presented before the Institute's Internal Control Body

against the staff who failed to provide V1 with timely medical attention, sending proof of compliance to the Commission as required.

**FIFTH.** Duly cooperate with investigations arising from the complaint which the Mexican National Human Rights Commission presents before the Attorney General's Office in light of these events, as the case involves federal civil servants. Proof of compliance must be sent to the commission as required.

**RECOMMENDATION 64/2010**

Mexico City, October 27<sup>th</sup>, 2010

**SUBJECT: ABOUT THE CASE OF VIOLATIONS TO THE RIGHT TO HEALTH AND TO LIFE TO THE DETRIMENT OF V, A HONDURAN MIGRANT**

**AUTHORITY RESPONSIBLE:**

CONSTITUTIONAL GOVERNOR OF THE STATE OF SAN LUIS POTOSÍ

On the morning of May 29<sup>th</sup> 2009, "V" was left at the door of the shelter called *Casa de la Caridad Cristiana Cáritas A.C.* in San Luis Potosí. Because of his physical state, he was evaluated by the medical staff assigned to the shelter who suggested that he could be drugged as it was difficult to establish a fluent conversation with him. He was taken to the emergency ward of the *Dr. Ignacio Morones Prieto* Central Hospital run by the Health Services of the Government of San Luis Potosí on that same day, entering the hospital at 22:08 hours.

At 01:27 hours on May 30<sup>th</sup> of that same year, medical staff from the Neurosurgery Ward of the aforementioned hospital determined it was necessary to operate on "V" urgently. He therefore entered the operating theater on that day at 02:40 hours; however, he was not operated on and was connected to a machine which kept his heart beating, finally leading to his death at 18:00 hours on June 2<sup>nd</sup> 2009.

Medical staff from the *Dr. Ignacio Morones Prieto* Central Hospital of the city of San Luis Potosí, San Luis Potosí, informed the agent of the Public Prosecutor's Office of the District Attorney's Office of the state about "V"'s death, causing the initiation of prior investigation "AP" for the crime of murder against whoever turns out to be responsible, an investigation which is currently underway.

From the logical juridical analysis of the evidence which is contained within complaint file CNDH/5/2009/2514/Q, it was determined that medical staff from the *Dr. Ignacio Morones Prieto* Central Hospital of the city of San Luis Potosí, San Luis Potosí violated the human rights to health protection and to life to the detriment of "V".

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, THE CONSTITUTIONAL GOVERNOR OF THE STATE OF SAN LUIS POTOSÍ:**

**FIRST.** Instruct whoever it may concern in order for the relatives of "V", or whoever is better entitled, to receive compensation in accordance with applicable laws and with the precepts acknowledged within the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. This is due to the institutional responsibility incurred upon by doctors of the *Dr. Ignacio Morones Prieto* Central Hospital run by the Health Services of the Government of San Luis Potosí who were in charge of attending the person who is now the offended and is based on the considerations mentioned within this recommendation. The documents which prove this has been complied with must be sent to the National Commission.

**SECOND.** Issue instructions to whoever is responsible so that there is ample collaboration during the filing and follow-up of the declaration of events which the national commission presents before the District Attorney's Office of the State of San Luis Potosí in order for it to initiate the prior

investigation required by law in accordance with the powers given to it. This is necessary because the behavior of local civil servants was the one to provoke the matter at hand and any proof of compliance requested must be sent to the national commission.

**THIRD.** Generously collaborate with the Mexican National Human Rights Commission during the initiation and processing of the complaint which the public institution files before Internal Affairs Department of the Health Services of the state of San Luis Potosí against staff of the Central Hospital "Dr. Ignacio Morones Prieto".

**FOURTH.** Issue instructions so that a comprehensive training program on human rights is developed and carried out at the *Dr. Ignacio Morones Prieto* Central Hospital, run by the Public Health Services of the Government of San Luis Potosí. It must focus specially on the contents, handling and observance of the Official Mexican Norms (NOM) on health. The goal of this is to ensure that the public service provided is adjusted to suit the legal framework and administrative best practices that should be observed whilst duties are carried out, guaranteeing the precise application of intervention protocols and thereby avoiding actions such as those that led to the present declarations. Proof of compliance must be sent to the National Commission.

## DIRECTORY

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