

NEWSLETTER

MEXICAN NATIONAL HUMAN RIGHTS COMMISSION (CNDH)

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CGCP/302/10

THE STRUGGLE TO ACHIEVE A WIDESPREAD CULTURE OF LEGALITY: CNDH

Whilst participating in the *Guanajuato 2010* National Congress on Law which was held to commemorate the Bicentennial of the Mexican Independence, the president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, declared that the future of the public institutions of our country is subject to the social and private sectors' ability to design strategies which achieve a widespread culture of legality. He also called for a joint effort so that we may all know and acknowledge the rights which favor us but, above all, so that we may also acknowledge our duties. He said that this is the only way we will be able to turn something which Mexican society has been longing for into a reality; a harmonious social interaction which suits the needs of the country.

CGCP/304/10

CNDH: ANALYZING POSSIBLE REFORMS TO THE CRIMINAL JUSTICE SYSTEM WOULD BE BENEFICIAL

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, invited academicians and specialists to perform a thorough analysis of the criminal justice system in our country. Whilst taking part in the XI Seminar on Criminal Justice: The Current Status of the Criminal Justice System in Mexico, organized by the Institute for Legal Research of the Autonomous National Mexican University (UNAM), the national Ombudsman pointed out that public safety represents one of the ideals of Mexican society. He also said that the increase in the rate of impunity must be addressed given that only about 15% of the one million and a half crimes which are perpetrated in our country each year are reported, and out of those even fewer are brought to trial.

CGCP/305/10

DISCRIMINATION AGAINST CARRIERS OF HIV/AIDS PREVAILS

Given that the World AIDS Day was celebrated on December 1st, the Mexican National Human Rights Commission reprimands the fact that attitudes of unacceptance, marginalization, exclusion and stigma which affect people who carry the virus are still present. The main reasons behind the complaints which the National Commission has received seek to denounce state health providers for refusing to provide medical attention and medicine, providing an inadequate public service and hindering or denying access to the social security rights which HIV seropositive people are entitled to. The CNDH therefore calls upon healthcare authorities and Mexican society to respect the fundamental rights of these people so that they may receive the attention they require and so they may be treated humanely.

CGCP/306/10

FEMALE JOURNALIST FILES A COMPLAINT

The Mexican National Human Rights Commission initiated a complaint file and is investigating the case of Anabel Hernández, a journalist for the *Reporte Indigo* virtual magazine who asked the CNDH to see to it that the corresponding authorities safeguard her integrity, as she has reason to believe that her personal safety and that of her family are at risk. The journalist told the national Commission that she had received information regarding threats on her life. CNDH officials met with the journalist in order to assist her with the best legal course of action to take in order to denounce the threatening events. They will follow the ministerial investigation which is launched and will assemble her file to look into possible human rights violations, whilst also offering her the commission's legal support. The National Commission will monitor the course of events and it underlines the need for guaranteeing journalists that they will not be subject to threats or offensive acts whilst working.

CGCP/307/10

CNDH REQUESTS THAT A STUDENT BE PROTECTED IN TABASCO

The Mexican National Human Rights Commission exercised its authority to assert jurisdiction over the complaint known to the State Human Rights Commission of Tabasco, regarding the student Carlos Williams Gómez Montejo. According to the media, the headmistress of campus No. 39 of the Colegio de Bachilleres located in the El Tigre community, Nacajuca Municipality, Tabasco State, did not allow a student to enter the premises due to his sexual orientation, which in turn led him to begin a hunger strike and chain himself to the gates of the aforementioned facility. The national commission considers that both Mexican laws and international treaties on human rights require authorities, including academic authorities, to perform their duties lawfully regardless of the sexual preferences of students. The National Commission will perform the necessary enquiries and will issue the lawfully corresponding resolution after analyzing and evaluating the evidence.

CGCP/308/10

NEW TECHNOLOGIES FACILITATE THE DISSEMINATION OF HUMAN RIGHTS

The president of the Mexican National Human Rights Commission signed a Collaboration Agreement with the Latin American Institute of Educational Communication (ILCE) to Foster and Disseminate Human Rights. During the event, the National Ombudsman expressed the need to educate the new generations, children and youths, properly on the basic principles they must observe during their lifetime and he highlighted the need to increase awareness about human rights amongst Mexican society, as it is the first step towards ensuring their complete respect. It is also very important to publish and distribute this information, which is why this joint effort is

essential as it will benefit from the experience of the ILCE and from modern technology. The Ombudsman pointed out that the use of technology and modern tools allows for a nationwide coverage not only through messages but also by means of a comprehensive training program.

CGCP/309/10

ERADICATING DISCRIMINATION AGAINST PERSONS WITH DISABILITIES

In light of the commemoration of the International Day of Persons with Disabilities, the Mexican National Human Rights Commission noted that efforts as well as will power must be joined in order to construct a culture of legality which facilitates the eradication of the violations of the rights of this segment of the population. The CNDH considers that the Mexican State is obliged to generate the conditions needed for persons with disabilities to exercise their rights under equal terms given that it sponsors the Convention on the Rights of the People, which is the first Convention on human rights of the 21st century. Currently, this group can be a victim of discrimination and intolerance, both at the core of society and within academic institutions, work environments and Healthcare facilities. The current laws and official regulations clearly establish that receiving comprehensive and adequate assistance in a humane, efficient and professional manner which benefits their rehabilitation is one of the fundamental rights of persons with disabilities.

If a person with disabilities feels that his or her rights have been infringed upon by a federal authority, he or she may ask for advice and support through the www.cndh.org.mx website or by calling the following toll-free number: 01800-715-2000.

CGCP/311/10

INDIGENOUS RIGHTS, A TOP PRIORITY

Whilst taking part in the inauguration of the Forum titled *The Right to Consult and Cooperate of the Indigenous Peoples of Mexico*, the president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, stated that the effective defense of the rights of the individuals which are part of the country's indigenous peoples and communities must be viewed as a top priority on the national agenda according to the CNDH. He underlined that the international treaties and conventions on indigenous matters which have been signed and ratified by Mexico must be respected given that these international agreements foster effective measures to combat and eradicate the discrimination, inequality, impunity and injustice currently prevalent within some of the country's indigenous peoples and communities. So far this year, the CNDH has allowed 421 of them to regain their freedom as a result of its Program for the Management of Matters regarding Early Release Privileges for Indigenous Peoples.

CGCP/312/10

IT IS ESSENTIAL TO EDUCATE YOUTHS

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, mentioned that training and education on human rights is a key step in overcoming problems which affect Mexican society. This is why he deems it necessary to offer youths a more thorough education and a wider range of sporting and cultural activities whilst striving to insert them in the workforce of the country in order to keep them from getting involved in criminal activities. Faced with poverty, discrimination and insecurity, society needs an education which gives it a chance to flourish and therefore aspire to a better country, the national ombudsman said. He emphasized that the protection of and respect for human rights in our country are closely linked to the establishment of a Culture of Legality, and of the Rights and Duties of the People.

CGCP/313/10

AGREEMENT SIGNED FOR THE BENEFIT OF SENIOR CITIZENS

During the signing of a Collaboration Agreement between the CNDH and the National Institute of Older Persons (INAPAM), Raúl Plascencia Villanueva, president of the Mexican National Human Rights Commission, said that the experience possessed by senior citizens must be utilized to disseminate their rights and define the goals of the country. He also considered it necessary to promote the regulations and public policies which fulfill their employment and occupational requirements, whilst also responding to their need for justice given that many are victims of physical, psychological and family violence as well as unfulfilled support obligations. According to official figures, there are currently nine million people over the age of 60 living in Mexico. The national Ombudsman declared that the CNDH has strengthened the Program for the Promotion of the Human Rights of Older Persons together with the National Support Network for these individuals during the first year of the current administration; he also said that human rights violating events committed against them are constantly being investigated and dealt with.

CGCP/314/10

THE INFORMATIONAL DOCUMENTS OF THE CNDH ARE TO BE PUBLISHED IN BRAILLE

During the signing of a Collaboration Agreement between the CNDH and the Universidad Tecnológica Santa Catarina of Nuevo Leon, the president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, announced that the National Commission will publish the entirety of its informational documents in Braille format. Additionally, the events and public presentations held by the national commission will be simultaneously interpreted in sign language. It will also increase its training programs on the subject and will implement the Program for Addressing Disabilities in all states and will jointly impart the Inclusion in Education Teacher Training course-workshop. He reiterated that the National Commission will work with such university on the "Conscientious Science" campaign made up of four programs: addressing disabilities, ethics and values, education and employment of youths and education for homemakers.

CGCP/315/10

PRECAUTIONARY MEASURES FOR THE PROTECTION OF CIVILIANS

The national Ombudsman, Raúl Plascencia Villanueva declared that in light of the violent events which have transpired within the state of Michoacán, the Mexican National Human Rights Commission has asked state and federal authorities to implement precautionary measures in order for the integrity and lives of civilians to be safeguarded during the operatives they carry out. Whilst taking part in the Forum on the International Human Rights Day held at the Senate of the Republic, the president of the CNDH mentioned that the precautionary measures seek to avoid the irreparable occurrence of reported violations or the infliction of damages to the offended which are difficult to repair. He underlined that the demands of society represent an interest in creating a more fair community with transparent and efficient governments and institutions which are committed to carrying out the public duties assigned to them.

CGCP/318/10

ISABEL MIRANDA IS GIVEN THE NATIONAL HUMAN RIGHTS AWARD

Mrs. Isabel Miranda de Wallace was given the National Human Rights Award by the president of the Republic, Felipe Calderón, during a ceremony held in the *Adolfo López Mateos* room of the Los Pinos Official Presidential residence in recognition of her outstanding work and commitment with defending the human rights of victims of kidnapping. The national Ombudsman,

Raúl Plascencia Villanueva, said that this award symbolizes Mexican society's recognition of her work to promote and defend human rights and declared that the CNDH supports the social outcry to perfect and effectively enforce the Mexican legal system to fight crime, specially kidnapping. Timely assistance must also be offered to the victims and damage compensation must become a reality and, he said, justice will only be done when civil servants carry out the duties entrusted upon them. This means that we must keep in mind that when the authorities violate human rights, not only the victim, but also institutions, the State and, above all, the Mexican ideal of a nation, are hurt. Lastly, he praised the courage and tenacity of the award-winner because through her hunt for justice, she has become an example for us all.

CGCP/319/10

HUMAN RIGHTS REFORMS ARE AN ACHIEVEMENT FOR ALL MEXICANS

The CNDH expressed its approval of the constitutional reforms which were unanimously approved by the Chamber of Deputies because, through them, the protection of human rights has been strengthened and broadened. The eleven articles which have been modified are a great achievement for all Mexicans given that, starting from the first chapter of the constitution, now titled *On Human Rights and their Guarantees*; human rights are now explicitly recognized as inherent of all people.

The constitutional amendments allow for civil servants who do not comply with a Recommendation to be summoned by the Senate of the Republic or, when it is not in session, by the Permanent Commission or state legislatures, as appropriate, to explain the reason behind their incompletion. They empower the CNDH to investigate alleged human rights violations committed by civil servants of the federal government, governors, legislators and mayors. The national and state Commissions will also be able to file the criminal or civil complaints they deem appropriate against such civil servants and representatives of the people. Furthermore, the National Commission will have jurisdiction over labor matters.

CGCP/320/10

CNDH INVESTIGATES A MOTHER AND DAUGHTER CASE IN CHIHUAHUA

The Mexican National Human Rights Commission possesses an unsolved complaint file and is investigating the case of Marisela Escobedo Ortiz, who was murdered on the night of December 16th 2010, and that of her daughter, Rubí Marisol Frayre Escobedo, whose remains were found in June 2009. Marisela Escobedo Ortiz protested several times in Chihuahua to demand that her daughter's murder be solved. In April 2010 it was decided that the likely suspect of Rubí Marisol's murder would be acquitted, prompting Marisela Escobedo to begin protesting since. A man shot her on Thursday night during one of her protests. The Mexican National Human Rights Commission condemns these homicides and urges the authorities to perform an effective investigation to solve them and bring those responsible to justice.

CGCP/321/10

CNDH VISITS MIGRATION CHECKPOINTS

The Mexican National Human Rights Commission announced that it has carried out one thousand 559 visits to migration checkpoints so far this year in order to verify the respect of the fundamental rights of migrants. It also visits areas with a high density of migrants such as customs checkpoints, border crossings and shelters periodically in order to collect testimonials, file complaints and offer immediate solutions to specific problems. Migrants are faced with theft, extortion, exploitation, maltreatment, sexual abuse, human trafficking and kidnapping. The National Commission therefore calls for the implementation of measures which protect this

vulnerable group from delinquency and abuse in light of the commemoration of the International Migrants Day on December the 18th. The national Commission believes it is necessary to consider public policies which help prevent violations of the rights of those who emigrate from their home country in search of a brighter future for them and their families.

CgCP/322/10

OVER 120 THOUSAND EDUCATED ON HUMAN RIGHTS

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, announced that over 120 thousand people have been educated on human rights from January to November of this year through two thousand 200 educational activities offered throughout the country. He also mentioned that during the same period, the national Commission signed 420 agreements which have led it to carry out cultural and human rights promotion and defense activities. Whilst signing a General Collaboration Agreement with the Association of Customs Agents of Mexico City Airport, he pointed out the urgent need to rethink public policies and government actions against crime, as well as the full commitment of civil servants to act lawfully.

CgCP/323/10

CNDH INVESTIGATES A CASE INVOLVING CENTRAL AMERICAN MIGRANTS

The Mexican National Human Rights Commission initiated a complaint file and began investigating the events involving a group of migrants which occurred this past Thursday, December 16th, at the border of Oaxaca State. It dispatched staff to the *Hermanos en el Camino* shelter in Ixtepec, Oaxaca as soon as it became aware of such events in order to offer support. It collected the testimonies of 18 migrants who described what happened to their companions. Moreover, the CNDH asked the Ministry of the Interior to implement precautionary measures in favor of the clergyman Alejandro Solalinde Guerra and the residents of the *Hermanos en el Camino* shelter as it felt their lives and physical integrity were in danger. The national Commission calls upon authorities from all three branches to implement joint measures which prevent the kidnapping of migrants and provide them with the necessary assistance; respecting their human rights regardless of the fact that they are migrants.

CgCP/324/10

CNDH VISITS INDIGENOUS COMMUNITIES

During 2010, the Mexican National Human Rights Commission organized various activities to strengthen the culture of respect for the fundamental rights of the indigenous peoples living in Mexico. It visited 51 indigenous communities in the states of Puebla, Tabasco, Campeche, Quintana Roo, Yucatán, Nayarit, Jalisco, Hidalgo, Veracruz, Michoacán, Colima, Durango, Oaxaca and Chiapas. It imparted courses, workshops and conferences and offered training and educational activities which were attended by local residents and elementary, secondary and post-secondary school students, and by children living in shelters. It carried out 41 training courses for one thousand 41 civil servants including police officers, special assistant attorneys general, justices of the peace and officials from state human rights commissions.

CgCP/325/10

CNDH ASSISTS MIGRANTS

During this holiday season, the Mexican National Human Rights Commission had representatives stationed at the main points of entry along the borders in order to verify the

operation of the Winter Migrant (Paisano de Invierno) 2010 Operative, in an effort to promote and guarantee the respect of our countrymen. The representatives of the CNDH provided travelers with support, advice and information on human rights and made sure that the authorities complied with their duty to offer them quality services and to act lawfully. As part of the joint effort to operate the Migrant Program efficiently, the CNDH strives to keep civil servants from maltreating, extorting, robbing and being corrupt or arrogant with compatriots who are entering the country. For information and legal advice throughout the country, the CNDH provides the following telephone number: 01800 715 2000.

CgCP/326/10

MICHOACÁN IS THE STATE WITH MOST COMPLAINTS ABOUT INSECURITY

The Mexican National Human Rights Commission announced that Michoacán is the state in which most complaints regarding insecurity were filed from January to October of this year according to the National Alert System for Human Rights Violations 2010, the purpose of which is to detect the reoccurrence of complaints filed against state authorities and monitor the frequency with which human rights are violated. Michoacán reported 265 complaints, followed by the state of Chihuahua with 240; the Federal District, 191; Guerrero, 119 and Baja California, 106. On the topic of healthcare, the states with the highest number of complaints reported by the National Alert System were: the Federal District with 449; State of México with 142; Sonora with 71; Veracruz with 48 and Jalisco with 47. The authorities which have had the most complaints filed against them are the Mexican Social Security Institute (IMSS), the Institute of Social Security and Services for State Employees (ISSSTE) and the Secretariat of Public Health. In the public education sector, the entity with the most complaints filed was the Federal District with 261; followed by the State of Mexico with 13; Tamaulipas, 6; Baja California, 4 and Oaxaca, 3. The National Alert System for Human Rights Violations 2010 may be consulted on the webpage of the national Commission: www.cndh.org.mx

CgCP/327/10

CNDH PUBLISHED 3.7 MILLION COPIES OF A VARIETY OF WORKS DURING 2010

The Mexican National Human Rights Commission managed to publish three million 723 thousand 861 copies of a variety of works during 2010 in an attempt to help create a culture of respect and encouragement of human rights. Out of these, 18 thousand 900 were copies of periodic publications such as the Gazette of the CNDH and the *Human Rights in Mexico* magazine edited by the National Human Rights Center (CENADEH). Works about various topics related to human rights were edited, out of which 44 thousand were books; 803 thousand booklets; 327 thousand 930 leaflets, 192 thousand 455 posters, one million, 565 thousand 960 bi-fold, tri-fold and quad-fold brochures and 771 thousand 661 miscellaneous publications. These publications were handed out free of charge at government agencies, academic institutions and non-governmental organizations and amongst individuals. The works published by the CNDH are available for consultation at the CENADEH, located at Rio Magdalena 198, Tizapán quarter, Álvaro Obregon district in Mexico City.

CgCP/328/10

CNDH RESPONDS TO A CASE INVOLVING MIGRANTS

The Mexican National Human Rights Commission announced that it is accompanying the migrants who were involved in the events which occurred in the Ixtepec-Matías Romero corridor in Oaxaca. As per the instructions of the president of the CNDH, Raúl Plascencia Villanueva, assistant visitors are meeting with the migrants. The National Commission has informed both the National

Institute of Migration and the Ministry of the Interior about this case and CNDH representatives are advising and informing the Central American individuals about human rights and they will make sure that the authorities comply with their obligation to assist them in a lawful manner. The CNDH reiterates its commitment to collaborate with the shelters and homes which assist Mexican and foreign migrants.

CgCP/329/10

525 INDIGENOUS PEOPLE OBTAIN AN EARLY RELEASE FROM PRISON

During 2010, the Mexican National Human Rights Commission achieved the early release of 363 people from several indigenous groups who were serving some kind of sentence. Out of the early release requests filed before the corresponding authorities by the National Commission, 370 involved local jurisdictions and 155 involved federal jurisdiction. 50 visits to Social Re-Adaptation Centers located within states which have imprisoned indigenous peoples were carried out, obtaining the early release of 50 women and 457 men. Through the Freedom for Indigenous People Program, the national Commission processes requests for legal advice submitted by men and women who are seeking to obtain an early release. Through the 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. It has also instituted the Seminars for Indigenous Rights in an attempt to foster the observance, promotion and respect for the human rights of such people, whilst also safeguarding the absolute respect for their dignity as human beings.

CgCP/331/10

CNDH BEGINS DISTRIBUTING A BOOKLET ON HUMAN RIGHTS

The Mexican National Human Rights Commission has begun distributing the booklet titled *Rights and Duties of the People* with the objective of fostering the culture of legality in Mexico. The booklet, published in the shape of a foldable agenda, points out that we are all equal in the eyes of the law, but that we also have duties to ourselves, our families, society, the authorities and the country. It advises us to foster respect and harmony within the family, interact respectfully with other people, combat corruption, denounce crimes, respect the laws which govern us and look after the environment. The national Commission believes that unlawful behavior is what sparks social problems such as corruption and impunity, which stall the democratic development of the country. The booklet may be viewed on the webpage of the Mexican National Human Rights Commission: www.cndh.org.mx.

CgCP/332/10

THE EQUALITY PROGRAM HAS EDUCATED MORE THAN 11,642 PEOPLE

Through its Program for Equality between Men and Women and Women's Affairs (PMH), the Mexican National Human Rights Commission trained 11 thousand 642 people from different social groups, including civil servants and members of social organizations. The CNDH carried out 204 activities to promote the right to equality in order to spark individual and structural changes within the different areas of human development. It offered training programs in the form of conferences, courses, workshops and roundtables in various states of the Republic, and in the Federal District. It also set the dates for work and liaison meetings in order to sign inter-institutional treaties and agreements with various social actors who are interested in protecting the right to equality between men and women. This informational system shows the programs and actions being carried out by government bodies pertaining to the three branches in accordance with their jurisdiction,

the current legislative harmonization, the relevant criteria and the national and international legal system regarding equality which is being created.

Public information has been added to the webpage of the CNDH; www.cndh.org.mx, with the aim of broadcasting the way the bulk of the population feels about the current status of the right to equality between men and women in the country.

RECOMMENDATIONS

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

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

RECOMMENDATION 66/2010

Mexico City, November 26th, 2010

SUBJECT: ABOUT THE CASE OF INADEQUATE MEDICAL ATTENTION AT THE *TIZAYUCA* FAMILY HEALTH CENTER AND THE *B PACHUCA* GENERAL HOSPITAL PERTAINING TO THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES (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 March 27th 2008 V1, a 30 year old woman with a 24 week pregnancy went for a prenatal checkup at the ISSSTE's *Tizayuca* Family Healthcare Center in the State of Hidalgo, where she was diagnosed with a "mammary fibroadenoma." On June 10th 2008, she was evaluated at the Mammary Clinic of the *B Pachuca* General Hospital, where she underwent a biopsy which revealed cytological data compatible with a left-side mammary fibroadenoma but, in spite of this, she was released. From then on, staff from both the aforementioned Family Healthcare Center and the *B Pachuca* General Hospital focused only on monitoring her pregnancy during her checkups. On July 29th 2008, V1 was admitted to the previously mentioned General Hospital where she underwent a caesarean which was completed successfully, although her breast cancer was not doing so well. Nevertheless, she was released on the 31st day of the same month and year. On March 2nd 2009, V1 attended a doctor's appointment at the *Tizayuca* Family Healthcare Center, presenting a new 20 week pregnancy and increased volume of the left mammary gland; she returned on April 2nd for a prenatal checkup and on the 29th day of the same month, to have an ultrasound performed, which revealed a "liver with nodules indicative of metastases."

She was therefore sent to the *1 de Octubre* Regional Hospital where another ultrasound was performed on her; through it, she was diagnosed with a case of "cancer in the left breast T3N2M1, right mammary nodule to be discarded breast cancer T2NOM1". Incisional biopsies were then taken and, given that the cancer was in an advanced stage, it was decided that a caesarean should be performed. In spite of the medical attention given to V1 at the aforementioned Regional Hospital, her health was not improved, with the severity of her case leading to her death on May 13th 2009 due to a bilateral metastatic breast cancer and hepatic insufficiency. On August 16th 2010, the Medical Complaints Committee of the ISSSTE determined that Gynecology services offered by the *Tizayuca* Family Healthcare Center and the *B Pachuca* General Hospital, situated in the state of Hidalgo as well as those offered by the *1 de Octubre* Regional Hospital, were not medically deficient. All of these facilities belong to the ISSSTE.

From the logical-legal analysis performed on the entirety of the evidence contained within file CNDH/1/2010/1903/Q, and in accordance with the terms of article 41 of the Mexican National Human Rights Commission Law, the CNDH 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 the medical staff of the ISSSTE's *Tizayuca* Family Healthcare Center and *B Pachuca* General Hospital, both located in the state of Hidalgo.

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 V2, V3, V4 and V5 (under-aged children of V1), to Q1, to her relatives or whoever is better entitled to receive it, due to the institutional responsibility incurred 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. Instruct whoever is responsible so that the physical and psychological damages suffered by V2, V3, V4 and V5 (V1's children) are redressed in a way which minimizes the symptoms presented in each particular case through the medical and psychological assistance needed to reestablish their physical and emotional health. Proof of compliance must be sent to the National Commission.

THIRD. 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 *Tizayuca* Family Healthcare Center and the *B Pachuca* General Hospital, both in the state of Hidalgo, 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 is to ensure that the medical and nursing staff provides a service which abides by the law and conforms to the administrative best practices that must be observed, guaranteeing the precise application of intervention protocols 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 positive impact of their training.

FOURTH. Instruct whomever it may concern so that an official missive is issued to instruct the medical staff of this institute to execute the clinical study protocols needed to produce precise diagnoses which allow for the timely referral of patients when needed, thus permitting the selection of the right treatment and the provision of quality medical attention at the right time. This aims to prevent actions such as those which led to the recommendation at hand. Proof of compliance must be sent to the National Commission.

FIFTH. 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 that they have received updated education and possess the experience and knowledge required to maintain the skills needed to offer an adequate and professional medical service.

SIXTH. 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 in charge of evaluating and treating V1, sending proof of compliance to the Commission as required.

SEVENTH. Duly cooperate with the investigations arising from the complaint which the Mexican National Human Rights Commission presents before the Attorney General's Office given that the case involves federal civil servants. Proof of compliance must be sent to the Commission as requested.

RECOMMENDATION 67/2010

Mexico City, November 26th, 2010

SUBJECT: ABOUT THE CASE OF INADEQUATE MEDICAL ATTENTION AT THE GENERAL HOSPITAL OF MEXICO RUN BY THE FEDERAL SECRETARIAT OF PUBLIC HEALTH TO THE DETRIMENT OF V1

AUTHORITY RESPONSIBLE:

DIRECTOR GENERAL OF THE GENERAL HOSPITAL OF MEXICO

On February 17th 2009 V1, an 89 year old woman, was diagnosed with an arterial insufficiency within the left side of the pelvic girdle at the Cardiovascular Surgery ward of the General Hospital of Mexico which is run by the Federal Secretariat of Public Health. On the following day, the specialists who examined her determined that she was capable of undergoing an infrainguinal revascularization, subsequently releasing her as a result of her improving health and requesting a graft to perform the required procedure. On March 13th 2009, V1 was admitted to the Cardiovascular Surgery ward once again in order for the required procedure to be performed on her and, on the 17th day of the same month and year, she allegedly received the "placement of a femoropopliteal bypass graft in left side of pelvic girdle". She was then released in light of her improving health on March 19th 2009; however, she experienced health complications thereafter which deteriorated and disabled the entirety of her left leg.

On July 15th 2009, V1 was evaluated at the *Doctor Carlos Mac Gregor Sánchez Navarro* Regional Hospital No.1 belonging to the Mexican Social Security Institute (IMSS), where she was diagnosed with necrobiosis and was admitted to the Angiology ward. On July 23rd 2009 she underwent a supracondylar amputation, during which the prosthetic tissue which had reportedly been inserted by staff of the General Hospital of Mexico on March 17th 2009 was not found; she was released on the 25th day of the same month and year and. It is noteworthy to mention that V1 died due to septic shock, mesenteric thrombosis and chronic arterial hypertension on April 11th, 2010.

From the logical-legal analysis performed on the entirety of the evidence contained within file CNDH/1/2010/662/Q, and in accordance with the terms of article 41 of the Mexican National Human Rights Commission Law, it was possible to gather sufficient proof to confirm the violation of the human right to health protection to the detriment of V1, attributable to the medical staff of the General Hospital of Mexico which is run by the Federal Secretariat of Public Health.

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

TO YOU, MR. DIRECTOR GENERAL OF THE GENERAL HOSPITAL OF MEXICO:

FIRST. Instruct whomever it may concern so that the necessary steps are taken to pay compensation to the relatives of V1 or to whoever is better entitled to receive it, due to the institutional responsibility incurred by doctors of the General Hospital of Mexico, based on the considerations set forth in the observations chapter of the current recommendation. Proof of compliance must be sent to the National Commission.

SECOND. Issue instructions to whoever is responsible so that comprehensive training programs on the contents, handling and observance of the Official Mexican Norms (NOM) on health are developed and carried out at the General Hospital of Mexico. The goal of this is to ensure that the medical and nursing staff provides a service which abides by the law and conforms to the administrative best practices that must be observed, guaranteeing the execution of the clinical study protocols needed to produce precise diagnoses which allow for the timely referral of patients when needed, thus permitting the selection of the right treatment and the provision of quality

medical attention at the right time. This aims to prevent actions such as those which led to the recommendation at hand. 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 positive impact of their training.

THIRD. Instruct all the necessary persons in order to require the medical staff of the General Hospital of Mexico to present a copy of the certification and recertification they obtain from Medical Specialty Boards in order for them to prove that they have received updated education and possess the experience and knowledge required to maintain the skills needed to offer an adequate and professional medical service.

FOURTH. Cooperate fully with the national commission in the filing and processing of the complaint presented before the Internal Control Body of the General Hospital in question against the medical staff involved in the events which concern the current recommendation, sending proof of compliance to the National Commission as required.

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

RECOMMENDATION 68/2010

Mexico City, November 30th, 2010

SUBJECT: ABOUT THE RECOURSE OF IMPUGNATION FILED BY V1

AUTHORITY RESPONSIBLE:

MADAME PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF BAJA CALIFORNIA'S XX LEGISLATURE
MEMBERS OF THE HEROIC CITY HALL OF TIJUANA, BAJA CALIFORNIA STATE

On August 22nd 2009, officers assigned to the municipal police of Tijuana, Baja California, detained V1, V2, V3, V4 and V5, even though they were not caught doing anything in flagrante, they were not presented with any legal document whatsoever ordering their arrest, nor were they given the reasons behind such action. Furthermore, in the case of V2, V3 and V4, the responsible authorities entered their homes even though they did not have the necessary warrant. The offended were taken to the facilities of the public municipal jail of the city of Tijuana, Baja California, known as the "Eighth", where they were held in solitary confinement for approximately ten hours. During this time, they were subjected to torture and maltreatment with the intent of getting them to claim responsibility for the attacks against municipal police officers which occurred on the 21st and 22nd of August 2009. They also forced them to fire guns at a barrel containing sand so that their hands would show that they had fired some kind of weapon.

The victims were sent to the Federal Public Prosecutor's Office, subject to confinement conditions for 40 days. Subsequently, they were handed over to the 9th District Court of the city of Tijuana due to the probable commitment of the crime of possessing firearms exclusive to the Mexican Army, Navy and Air Force, specified within judicial inquest 1 (CP1). Within the constitutional deadline, set on October 8th 2009, the judicial authority declared their freedom due to lack of evidence. Having performed the necessary inquiries, the Government Attorney's Office for Human Rights and Citizenry Protection of Baja California issued recommendation 06/2010 where it proved violations to the human rights of V1, V2, V3, V4 and V5, attributable to police officers assigned to the Municipal Secretariat of Public Safety of Tijuana, Baja California.

From the logical-legal analysis performed on the entirety of the evidence contained within the recourse of impugnation at hand, violations of the human rights of V1, V2, V3, V4 and V5 to

legality and legal certainty, integrity, freedom and to personal safety were observed. They were the result of actions and omissions such as arbitrary detention, illegal searches, unlawful retention, solitary confinement and torture, attributable to the civil servants of the Municipal Secretariat of Public Safety of Tijuana, Baja California.

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

TO YOU, MADAME DEPUTY AND PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF BAJA CALIFORNIA'S XX LEGISLATURE:

FIRST. Issue the necessary instructions for whomever it may concern to initiate an investigation to determine the responsibilities in which civil servants from the municipality of Tijuana may have incurred as a result of their actions and their refusal to comply with recommendation 04/2010, issued by the Government Attorney's Office for Human Rights and Citizenry Protection of Baja California, as well as due to their lack of response to the request for information. Proof of compliance must be sent to the National Commission.

SECOND. Urge the Town Hall of Tijuana, Baja California to submit the reports requested by the Mexican National Human Rights Commission in order to comply with what is established by the law of this institution which protects human rights.

TO YOU, THE MEMBERS OF THE TOWN HALL OF TIJUANA, BAJA CALIFORNIA:

FIRST. Proceed to instruct whomever it may concern in order for recommendation 06/2010, issued on August 19th 2010 by the Government Attorney's Office for Human Rights and Citizenry Protection of Baja California, to be complied with. Proof of compliance must be sent to the National Commission.

SECOND. Fully cooperate with the filing and follow-up of the complaint which the Mexican National Human Rights Commission submits to the Baja California District Attorney's Office given that it was the behavior of civil servants which led to the current recommendation. Proof of compliance must be sent to the Commission as requested.

RECOMMENDATION 69/2010

Mexico City, November 30th, 2010

SUBJECT: ABOUT THE RECOURSE OF IMPUGNATION SUBMITTED BY V1

AUTHORITY RESPONSIBLE:

MADAME PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF OAXACA'S LXI LEGISLATURE
MEMBERS OF THE HEROIC TOWN HALL OF SAN SEBASTIÁN TUTLA, OAXACA STATE

On April 6th 2005, V1 filed a labor lawsuit against the Town Hall of San Sebastián Tutla, Oaxaca at the Labor Tribunal for Government Employees of such state, thereby initiating file EL1, in which he condemned having been a victim of dismissal without cause. On June 9th 2006, the aforementioned state Tribunal issued an arbitration award through which it ordered the Town Hall of San Sebastián Tutla, Oaxaca to pay for various benefits such as compensation, overdue and withheld wages, holidays, holiday pay, yearend bonus and overtime, in favor of V1.

In spite of various attempts made through the state Labor Tribunal to enforce the award, the town hall issued various statements to avoid complying with the decision of the tribunal, claiming that it did not have the financial resources to do so given that it had requested the State Congress to provide them but it had refused. Moreover, the community board decided that V1 would not be compensated, adducing that this municipality is governed by local ways and traditions. As a result, the State Human Rights Commission of the Free and Sovereign State of Oaxaca determined that the rights to legality and legal certainty of the victim were violated to his

detriment and therefore issued recommendation 17/2010 on May 21st 2010. It was addressed to the members of the Town Hall of San Sebastián Tutla, Oaxaca, who decided to reject it.

From the logical-legal analysis performed on the entirety of the evidence contained within the recourse of impugnation at hand, violations of the rights of V1 to legality, legal certainty and to the proper administration of justice were observed. These actions are attributable to the civil servants of the Town Hall of San Sebastián Tutla, Oaxaca, who affected V1 by not complying with the arbitration award issued by the Labor Tribunal for Government Employees of such state on June 9th 2006.

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

TO YOU, MADAME DEPUTY AND PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF OAXACA'S LXI LEGISLATURE:

SOLE RECOMMENDATION. Issue the necessary instructions for whomever it may concern to initiate an investigation to determine the responsibilities in which civil servants from the municipality of San Sebastián Tutla, Oaxaca may have incurred by refusing to comply with recommendation 17/2010, issued by the State Human Rights Commission of the Free and Sovereign State of Oaxaca. Proof of compliance must be sent to the National Commission.

TO YOU, THE MEMBERS OF THE TOWN HALL OF SAN SEBASTIÁN TUTLA, OAXACA:

FIRST. Proceed to instruct whomever it may concern in order for recommendation 17/2010, issued by the State Human Rights Commission of the Free and Sovereign State of Oaxaca, to be accepted and complied with. Proof of compliance must be sent to the national commission.

SECOND. Order the designation of a specific budget allowance within the Expenditure Budget project of the municipality of San Sebastián Tutla, Oaxaca in order to cover the payments derived from the enforcement of the arbitration awards issued by the corresponding authorities.

THIRD. Order the design and execution of a permanent training program on traditional regulatory systems as well as on those ruled by local ways and traditions, to which municipal civil servants and community authorities must be subjected to. This must be done in accordance with the general principles of the Political Constitution of the United Mexican States and with respect towards human rights. Proof of compliance must be sent to the National Commission.

RECOMMENDATION 70/2010

Mexico City, November 30th, 2010

SUBJECT: ABOUT THE RECOURSE OF IMPUGNATION SUBMITTED BY "V1", "V2" AND "V3"

AUTHORITY RESPONSIBLE:

MADAME PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF GUERRERO'S LIX LEGISLATURE
MEMBERS OF THE HEROIC TOWN HALL OF ATLAMAJALCINGO DEL MONTE, GUERRERO STATE

The State Human Rights Commission of Guerrero received the complaint filed by "V1", "V2" and "V3" on August 27th 2008. In it, they stated that the town hall of Atlamajalcingo del Monte, within the aforementioned state, stopped working on their properties, thus leaving them without a sewerage system and toilets. As a result, the previously mentioned state commission initiated file CODDEHUM/CRM/037/2008-I and, once the necessary investigation was over, it addressed opinion and proposal 102/2008 to AR2 and AR3; however, no reply was received regarding its acceptance.

Consequently, it issued recommendation 78/2009 on July 6th 2009, addressing it to AR1, AR2 and AR3, who failed to reply once again. Displeased with the aforementioned municipal authority's unacceptance, "V1", "V2" and "V3" filed a merit recourse of impugnation (merit appeal) on July 6th 2009.

From the logical-legal analysis performed on the entirety of the evidence which is contained within file CNDH/3/2010/3/RI, the National Commission considered the impugnation recourse filed by "V1", "V2" and "V3" regarding the unacceptance of recommendation 78/2009 by the Town Hall of Atlamajalcingo del Monte, Guerrero, to be valid and well founded. This was determined due to the fact that violations to their human rights to legality, legal certainty, health, environmental conservation, to petition and to not be discriminated were observed.

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

TO YOU, MADAME DEPUTY AND PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF GUERRERO'S LIX LEGISLATURE:

SOLE RECOMMENDATION. Collaborate amply with the Mexican National Human Rights Commission in the filing of the declaration it submits to the corresponding authority in order for the Preliminary Examination Commission to begin working on the administrative responsibility of those who turn out to be responsible for the unacceptance of the cited recommendation, as well as for the omissions incurred by the authorities from the municipality of Atlamajalcingo del Monte during the filing of the complaint in question; with Congress then deciding on the matter in accordance with the law. This procedure is to be fueled by the considerations set forth in the observations chapter of this document and the Commission must be informed about this situation.

TO THE MEMBERS OF THE HEROIC CONSTITUTIONAL TOWN HALL OF ATLAMAJALCINGO DEL MONTE, GUERRERO:

FIRST. Proceed to instruct whomever it may concern in order for recommendation 78/2010, issued by the State Human Rights Commission of Guerrero, to be fully complied with. The Commission must be informed about this situation.

RECOMMENDATION 71/2010

Mexico City, November 30th, 2010

SUBJECT: ABOUT THE CASE OF RELIGIOUS INTOLERANCE AT THE LOS LLANOS COMMUNAL LAND IN SAN CRISTOBAL DE LAS CASAS, CHIAPAS STATE

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 CITY HALL OF SAN CRISTÓBAL DE LAS CASAS, CHIAPAS STATE

On April 29th 2009, the first religious evangelical anniversary of the *Eagle Wings* (Alas de Águila) group, attended by 65 people, was celebrated at the Los Llanos communal land in the municipality of San Cristóbal de las Casas, Chiapas. During the event, a group of people led by AR2 and CO entered the temple and hit minister V1 and his collaborators. During an assembly held on May 28th 2009, the members of the communal land decided to destroy the evangelical temple, which they did on that same day in addition to damaging the parcels of land of the offended. This caused them to ask for AR1's intervention, but their problems were ignored.

During an assembly held on January 13th 2010, members of the communal land told the evangelical community that they would no longer be allowed to be present during assemblies; they prohibit them from chopping wood and sowing their crops and they destroyed 13 houses. The offended therefore decided to flee the communal land and head for the *Eagle Wings* evangelical temple in San Cristóbal de las Casas, where they staged a sit-in outside the Palace of Justice of such city. Additionally, the offended filed complaints at the Chiapas district Attorney's Office which lead to the initiation of preliminary investigations (AP) AP1, AP2, AP3, AP4, AP5 and detailed

affidavits (AA) AA1 and AA2. On February 11th 2010, the plaintiffs forgave the probable suspects mentioned in the cited investigations and detailed affidavits. On March 23rd 2010, it was agreed that the offended would end their sit-in outside the city's Palace of Justice, that they would be allowed to return to their community and that the damages caused to their homes would be repaired; these promises have yet to be kept.

From the logical-legal analysis performed on the evidence contained within complaint file CNDH/5/2010/778/Q which was initiated because of these events, it was determined that in this case the human rights to legality and legal certainty, to not be discriminated against because of religious reasons and to freedom of belief were infringed upon to the detriment of the offended

Due to these events, the Mexican National Human Rights Commission has considered 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 Los Llanos communal land in the municipality of San Cristóbal de las Casas, Chiapas, as well as a peaceful coexistence, respect for their estates and the freedom to practice the religion of their choosing. The National Commission must be informed about the result.

SECOND. Provide humanitarian aid for the offended that are still lodged at the site of the *Eagle Wings* evangelical temple, located in San Cristóbal de las Casas, within the aforementioned state. Proof of compliance must be sent to the National Commission.

THIRD. Issue instructions to whomever it may concern to implement measures, in conjunction with the municipal authorities, to solve the religious conflict within the Los Llanos communal land in the municipality of San Cristóbal de las Casas, Chiapas. The National Commission must be told about 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 on 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 whoever is responsible so that a program is implemented to educate people on current laws, on the modus operandi of the legal system and the bodies which constitute it, as well as their harmonization with the traditions and ways of indigenous people. This must be done in accordance with what is established by 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 HONORABLE CONGRESS OF THE STATE OF CHIAPAS:

FIRST. Order whoever it may concern to take the steps needed to initiate the procedure outlined by the Political Constitution of the State of Chiapas against AR1, as per the contents of the declaration to be filed by the National Commission. This must be done in order to determine the possible responsibility AR1 may have incurred in as a result of the events which have been revealed in the current recommendation. Proof of compliance must be sent to the National Commission.

SECOND. Urge the Constitutional City Hall of San Cristóbal de las Casas, Chiapas to deliver the reports requested by the Mexican National Human Rights Commission so as to comply with what is stipulated by the law of this institution which defends human rights.

TO YOU, THE MEMBERS OF THE CONSTITUTIONAL TOWN HALL OF SAN CRISTOBAL DE LAS CASAS, CHIAPAS:

FIRST. Implement urgent measures in order for the conflict of religious intolerance present within the Los Llanos communal land in the municipality of San Cristóbal de las Casas, Chiapas, to be resolved in conjunction with the state government, ensuring 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 City Hall to refrain from getting involved in illegal acts, such as those stated in the case at hand, whose aim it is to restrict the freedom of belief of the inhabitants of the aforementioned area. Proof of compliance must be sent to the National Commission.

THIRD. Instruct whoever it may concern so that the Municipal Internal Affairs Office of San Cristóbal de las Casas, Chiapas determines the responsibility possibly incurred in by the civil servants of the City Hall in question who were involved in the case of religious intolerance at the Los Llanos communal land, located within the previously mentioned area. 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.

FIFTH. Act as necessary in order for a campaign which disseminates and broadcasts individual rights and human rights to be developed in conjunction with government bodies which defend human rights. It should target the staff of the City Hall of San Cristóbal de las Casas, with the goal of raising its awareness on the importance of exercising and respecting these fundamental rights. Once this has been done, the National Commission must be briefed.

RECOMMENDATION 72/2010

Mexico City, November 30th, 2010

SUBJECT: ABOUT THE CASE OF V1'S DEATH IN CUERNAVACA, MORELOS STATE

AUTHORITY RESPONSIBLE:
SECRETARY OF THE NAVY

The events took place in the Del Empleado quarter of the city of Cuernavaca, Morelos, at approximately 22:00 hours on December 16th 2009, at which time V1 was travelling onboard his truck and Q1 heard gunshots. Q1 therefore went out onto the street and noticed that V1's vehicle was parked and had been struck by gunfire; he added that Naval personnel kept him from reaching the van and told him that V1 had died, claiming that he had possibly been shot at due to being mistaken for an assassin for hire.

In light of these events, Q1 submitted a complaint to the State Human Rights Commission of Morelos on December 22nd 2009, which was received by the National Commission on December 23rd 2009. Complaint file CNDH/2/2010/107/Q was initiated by the national commission thereafter and the Secretariat of the Navy, the Secretariat of National Defense (SEDENA), the Office of the Attorney General (PGR) and the Morelos District Attorney's Office were asked to submit reports.

From the logical-legal analysis performed on the entirety of the evidence which makes up file CNDH/2/2010/107/Q, the National Commission determined that civil servants from the Secretariat of the Navy violated the human rights to life, personal integrity and proper treatment and to legality and legal certainty of Q1, as well as the right to ownership of the neighbors of 5 de Mayo street, Del Empleado Quarter in Cuernavaca, Morelos given that their real estate and vehicles were affected. These actions were the result of the arbitrary use of public force and death.

In response to these events, the Mexican National Human Rights Commission has considered 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 and pay compensation for damages caused to the relatives of V1, or whoever proves to be

most lawfully entitled. This is due because of the institutional responsibility incurred by civil servants of the Secretariat of the Navy. Proof of compliance must be sent to the National Commission.

SECOND. Pay compensation for and repair the damage caused to Q1 by means of the medical, psychological and rehabilitation assistance needed to reestablish the psychological state he was in before these events took place. The National Commission must be told about the result.

THIRD. Instruct whoever it may concern so that the necessary procedures are carried out to offer compensation for the material damages caused to the owners or right holders of the residences located on 5 de Mayo street, Del Empleado Quarter in Cuernavaca, Morelos and the vehicles which were damaged by the gunshots fired by Naval personnel. Proof of compliance must be sent to the National Commission.

FOURTH. Collaborate generously with the National Commission during the filing and 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 who were involved in the events mentioned in this case. All evidence requested must be sent to the national commission together with proof of compliance.

FIFTH. Amply collaborate during the filing 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 preliminary investigation in accordance with their jurisdictions. Any proof of compliance requested must be sent to the national commission.

SIXTH. 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 and at 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 governs the legitimate use of force by naval personnel. Proof of compliance must be sent to the National Commission.

RECOMMENDATION 73/2010

Mexico City, November 30th, 2010

SUBJECT: ABOUT THE CASE INVOLVING V1, V2, AND Q1 AS VICTIMS OF A CRIME

AUTHORITY RESPONSIBLE:

CONSTITUTIONAL GOVERNOR OF THE STATE OF QUINTANA ROO

MUNICIPAL PRESIDENT OF BENITO JUÁREZ, CANCUN, QUINTANA ROO STATE

On July 18th 2010 V1, who was at the municipality of Benito Juárez (Cancun) in the company of her family, died as a result of the injuries inflicted on her when she was run over on the 17th day of the same month and year by a vehicle which was carrying two people (P1 and P2). As a result, two preliminary investigations were initiated; the first by an agent of the Public Prosecutor's Office with general jurisdiction over the hotel district (AR2), for the crimes of personal injury and damage. This investigation was then attached to a second one, initiated by an agent of the Public Prosecutor's Office attached to the Mesa VI, specializing on crimes against life (AR3), for the crime of unintended murder to the detriment of V1. Both offices are part of the Quintana Roo District Attorney's Office.

On August 2nd 2010, the head of the 1st agency of the Public Prosecutor's Office with general jurisdiction, 6th Unit, in the state of Quintana Roo, began a criminal proceeding without detainee

against one of the individuals travelling onboard the vehicle (P2) for being a likely suspect of committing the crime of unintended murder to the detriment of V1. He therefore sent the files pertaining to the second preliminary investigation, as well as those of the investigation attached to it, to the first criminal judge of the First Instance Court (Trial Court) in Quintana Roo; this led to the initiation of the corresponding judicial inquest, which is currently underway.

From the logical-legal analysis performed on the entirety of the evidence contained within file CNDH/1/2010/3918/Q initiated in response to these events, the National Commission was able to gather sufficient proof to confirm violations of the rights to legality and legal certainty of Q1 and V1 due to the unrighteous procurement of justice, whilst also determining that their rights as victims of a crime were violated as well. These actions are attributable to staff of the District Attorney's Office and the Municipal Secretariat of Public Safety and Traffic of Benito Juárez, both within the state of Quintana Roo, respectively.

Due to these events, the Mexican National Human Rights Commission has considered it appropriate to issue the following **RECOMMENDATIONS**:

TO YOU, THE CONSTITUTIONAL GOVERNOR OF THE STATE OF QUINTANA ROO:

FIRST. Instruct the district attorney of Quintana Roo state to take the necessary steps in order for the agents of the Public Prosecutor's Office to fully observe and guarantee the rights of the victims of crime. They should also refrain from acting in ways which hinder their full enjoyment and should perform their duties as defenders of victims, making sure that they do not encounter any difficulties which represent an obstruction or impediment to the timely fulfillment of their rights. This is in accordance with what is stipulated by article 20, paragraph B, of the Political Constitution of the United Mexican States and by the international agreements on the matter. Proof of compliance must be sent to the National Commission.

SECOND. To compliment the previous point, you should order the district attorney of Quintana Roo state to ensure that agents of the public prosecutor's office receive the necessary training for them to perform preliminary investigations lawfully and with respect for human rights, guaranteeing the rights of victims of crime. Proof of compliance must be sent to the national commission.

THIRD. Collaborate amply with the National Commission during the filing and processing of the complaint it submits to the Internal Control and Examination Body of such office to initiate an administrative investigation against the agents of the Public Prosecutor's Office with general jurisdiction over the hotel district (AR2) and the head of the Mesa VI, specializing on crimes against life (AR3), due to their involvement in the events mentioned within this recommendation. Proof of compliance must be sent to the national commission as requested.

FOURTH. Duly collaborate with the investigations arising from the complaint submitted by the Mexican National Human Rights Commission to the Quintana Roo District Attorney's Office in response to these events, as the case involves local civil servants. Proof of compliance must be sent to the national commission as requested.

TO YOU, THE MUNICIPAL PRESIDENT OF BENITO JUÁREZ, IN QUINTANA ROO STATE:

FIRST. Collaborate amply with the National Commission in the filing and processing of the complaint brought before the Internal Affairs Department of the Municipal Secretariat of Public Safety and Traffic of Benito Juárez so that an administrative investigation is initiated against the police officer assigned to the appraiser's department of such Secretariat (AR1). Proof of compliance must be sent to the National Commission as requested.

SECOND. Duly collaborate with the investigations arising from the complaint submitted in light of these events by the Mexican National Human Rights Commission to the Quintana Roo District Attorney's Office against (AR1) due to his involvement in the events which lead to the recommendation at hand. Any proof of compliance requested must be sent to the national commission.

RECOMMENDATION 74/2010

Mexico City, November 30th, 2010

SUBJECT: ABOUT THE CASE OF THE VIOLATION OF V1'S RIGHT TO OWNERSHIP AND AN ATTEMPT ON THE LIFE OF V2 IN DURANGO, DURANGO STATE.

AUTHORITY RESPONSIBLE:
SECRETARY OF NATIONAL DEFENSE

The complaint filed by Q1 at the State Human Rights Commission of Durango on December 17th 2008 was received by the National Commission on December 22nd 2008. In it, it was stated that at approximately 06:00 of the day its filing, Mexican Army personnel entered V1's house in the city of Durango, in Durango State without a warrant. It was there that V2 and T1 were sleeping in the company of their two youngest children, causing them to think that they were being robbed when they heard noises inside their house. This prompted V2 to take a shotgun to protect his family; however, upon emerging from the bedroom, he was shot at by military personnel and was severely wounded in his right shoulder.

Q1 added that Mexican Army personnel began interrogating V1 and T1 after wounding V2 and told them they had received a report which said that there were armed individuals in their house. Complaint file number CNDH/2/2009/77/Q was initiated on December 23rd 2008 due to these events with the aim of logging the denounced human rights violations and assistant visitors carried out a variety of tasks to gather information, testimonials, photographs and other evidence.

From the logical-legal analysis performed on the entirety of the evidence contained within file CNDH/2/2009/77/Q, the National Commission was able to confirm violations of the human rights to legality and legal certainty, to personal integrity and safety and to proper treatment. They were the result of entering a residence without showing a search warrant, unlawful execution of public duties, arbitrary use of public force and inhumane and cruel treatment; resulting in failure to help, alteration of the crime scene, arbitrary detention and unrighteous attribution of actions.

Due these events, the Mexican National Human Rights Commission has considered it necessary to issue the following **RECOMMENDATIONS**:

TO YOU, MR. GENERAL AND SECRETARY OF NATIONAL DEFENSE:

FIRST. Instruct whoever it may concern to take the steps needed to pay compensation for and repair, in a law abiding manner, the damage caused to V1 and V2, as well as their children and relatives who were present on the day of the events. If necessary, they must also jointly be given the appropriate physical and psychological attention for as long as needed. This is due because of the institutional responsibility incurred in by the civil servants of the Secretariat of National Defense as detailed by the considerations set forth in the recommendation at hand and proof of compliance must be sent to the National Commission.

SECOND. Instruct the necessary persons in order for the civil servants of the Secretariat of National Defense to refrain from manipulating crime scenes or ordering them to be manipulated and/or distorting their historical and legal facts. They must also be trained on the preservation of criminal evidence and, once this has been done, proof of compliance must be forwarded to the national commission.

THIRD. Issue the instructions needed to enforce the measures required to tackle certain actions executed by Army personnel such as those detailed within the observations chapter of the current recommendation, as well as to take the necessary steps to ensure they are not repeated. Proof of compliance must be submitted once this has been done.

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 and lower ranks and effectiveness 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. Generously collaborate with the Mexican National Human Rights Commission during the filing and processing of the complaint submitted to the General Inspection and Comptrollership Unit of the Mexican Army and Air Force against the civil servants of the Secretariat of National Defense involved in the events condemned herein. Any evidence requested must be delivered together with proof of compliance.

SIXTH. Amply collaborate with the filing and follow up of the declaration of events which the National Commission submits to the Office of the Attorney General and the Office of the General Attorney of Military Justice, respectively, in order for them to initiate the legally corresponding preliminary 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 75/2010

Mexico City, November 30th, 2010

SUBJECT: ABOUT THE CASE OF V1, V2, V3, AND V4'S TORTURE AND THE CRUEL TREATMENT OF MINORS V5 AND V6

AUTHORITY RESPONSIBLE:
SECRETARY OF NATIONAL DEFENSE

At approximately 00:30 hours on March 26th 2008, V1, V2 and V4 were detained by Mexican Army personnel at a bar in Zinapécuaro, Michoacán and were told to get down on the ground, they were searched, interrogated, beaten and taken as detainees. At approximately 00:00 hours of the same day, the soldiers entered the home in which V3, T2, T3 and T4 were and took V3, T3 and T4 as detainees. Additionally, they visited the homes of V1 and Q3 at 03:00 hours and interrogated their relatives. V1, V2, V3 and V4 were taken to the facilities of the 21st Military Zone in Morelia, being beaten and accused of kidnapping during their journey there and T3 and T4 were released. In the end, V1, V2, V3 and V4 were placed at the disposal of the agent of the Federal Public Prosecutor's Office in Morelia, in Michoacán State, at 11:40 hours on March 26th 2008, who in turn initiated Preliminary Investigation 1.

On March 27th 2008, the social representative of the Federation initiated a criminal proceeding against V1, V2, V3 and V4. A detailed description of Preliminary Investigation 1 was sent to the military on the same day, due to the complaint submitted by the offended objecting to their detention. As a result, the agent of the Military Public Prosecutor's Office assigned to the 21st Military Zone in Morelia, Michoacán State, initiated Preliminary Investigation 2. On the same day, the prosecuting agent in Morelia, Michoacán State, handed Preliminary investigation 1 over to a District judge of such state. On the following day, March 28th 2008, Judicial Inquest 1 was initiated against V1, V2, V3 and V4.

On April 2nd 2008, the judge responsible for carrying out Judicial Inquest 1 dictated a constitutional deadline in which he declared the freedom of V1, V2, V3 and V4 due to lack of evidence. On March 4th 2009, the agent of the Military Public Prosecutor's Office in charge of Preliminary Investigation 2 forwarded this inquiry to his counterpart assigned to the XII Military Region in Irapuato, Guanajuato State, in order for the archives to be consulted. He, in turn, forwarded it to the Office of the General Attorney of Military Justice for the same purpose.

From the logical-legal analysis performed on the entirety of the evidence contained within complaint file number CNDH/2/2008/1430/Q which was initiated due to these events, the Mexican National Human Rights Commission confirmed violations of the human rights to freedom, integrity

and personal safety, as well as to legality and legal certainty, to the detriment of V1, V2, V3 and V4. These were the result of actions consisting in arbitrary detention, illegal retention, arbitrary use of public force, in compliance with protocols during a search or on-site inspection and torture, attributable to military personnel assigned to the 12th Infantry Battalion operating out of Morelia, Michoacán State, and to personnel from the Morelia Joint Operations Base.

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

TO YOU, MR. GENERAL AND SECRETARY OF NATIONAL DEFENSE:

FIRST. Instruct whoever is responsible to take the necessary steps to pay compensation for and repair the damage brought upon V1, V2, V3, V4, V5 and V6 by means of the medical, psychological and rehabilitation aid needed to return their physical and mental health to the way they were before their human rights were violated. Proof of compliance must be sent to the National Commission.

SECOND. Generously collaborate with the Mexican National Human Rights Commission during the filing and processing of the complaint it submits to the General Inspection and Comptrollership Unit of the Secretariat of National Defense against the soldiers involved in the events condemned herein. Any evidence requested must be delivered to the national commission together with proof of compliance.

THIRD. Amply collaborate with the filing and follow up of the declaration of events which the National Commission submits to the Office of the Attorney General and the Office of the General Attorney of Military Justice, respectively, in order for them to initiate the legally corresponding preliminary investigation in accordance with their jurisdiction, given that the actions of federal civil servants led to this recommendation. Any proof of compliance requested must be sent to the national commission.

FOURTH. 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 of the Political Constitution of the United Mexican States. This is to keep them from being taken to military facilities in order to have physical integrity evaluations performed on them given that the Office of the Attorney General has its own medical experts to perform such revisions. Once this has been done, a copy of such missive must be sent to the national commission.

FIFTH. In order to guarantee unbiased and objective medical evaluations by medical personnel in the military, courses must be carried out to verify the fulfillment of the legal and ethical obligation to abide by the medical revision procedures established by the law, without failing to describe the injuries observed and to report cases in which maltreatment or torture is believed to have occurred to the agent of the Public Prosecutor's Office. The national commission must be informed once this has been done.

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 and lower ranks and effectiveness 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.

SEVENTH. Instruct those responsible so that educational courses are imparted within such Secretariat. These courses are to be aimed at the middle and upper ranks as well as the officers of the Armed Forces and shall address the human rights of women and minors in an attempt to avoid actions of violence and discrimination such as those condemned in this case from reoccurring during the operatives they participate in. The Mexican National Human Rights Commission must be briefed in detail once this has been done.

RECOMMENDATION 76/2010

Mexico City, December 1st, 2010

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

AUTHORITY RESPONSIBLE:

MADAME PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF OAXACA'S LXI LEGISLATURE
MEMBERS OF THE HEROIC TOWN HALL OF SAN MATEO CAJONOS, VILLA ALTA, OAXACA STATE

On April 11th 2010, AR1 in his position as municipal president of San Mateo Cajonos, Villa Alta, Oaxaca, ordered the *topiles* (community police officers) to deprive V1 and V2 of their freedom and lock them in the public jailhouse of such place. This was due to a decision made by the community assembly because due to the alleged fact of having carried out administrative irregularities whilst acting as civil servants within such municipality in 2009. Even though precautionary measures were dictated by the State Human Rights Commission of the Free and Sovereign State of Oaxaca (CDDHEO) in this case to achieve the victims' release or, if needed, to hand them over to the corresponding authorities, AR1 and AR2 ignored them. They justified their actions by saying they had acted on the basis of local ways and traditions, releasing the offended on the 15th of April of this year, when it was agreed that the Chief Auditing Body of the State would review the administrative management of 2009.

On April 18th 2010, AR1 ordered V1 and V2 to be detained once again together with V3, all of whom were locked in the public jailhouse of the aforementioned municipality, adducing that the order was motivated by a decision made by the community assembly held on that day because of them committing irregularities whilst serving as civil servants of the town hall. AR1 also ordered the drinking water supply to be cut off at the homes of V1 and V2. This time, V3 was released on April 22nd and V1 and V2 regained their freedom on April 25th of this year. Although the Oaxaca District Attorney's Office sent official missives to AR1 and AR2 asking them to release the victims or place them at their disposal if they had indeed committed a crime on both occasions, the authorities responsible, apart from ignoring them, declared that they had no jurisdiction over the case because it was a decision made by the assembly, which is always convened by the Communal Assets committee.

After proving that the victims were deprived of their freedom in an unlawful manner and that V1 and V2 had their drinking water supply and sewerage systems cut off, the CDDHEO issued recommendation 13/2010, which was not accepted by the members of the Town Hall of San Mateo Cajonos, Villa Alta, Oaxaca.

From the logical-legal analysis performed on the entirety of the evidence contained within the recourse of impugnation at hand, it was confirmed that the human rights of V1, V2 and V3 to personal freedom, due process, legality, legal certainty healthcare and to an environment suitable for their development, were violated. This occurred because they were deprived of their freedom as per the instructions of AR1 at the municipal jailhouse of San Mateo Cajonos, Villa Alta, Oaxaca, and; because their drinking water supply and sewerage systems were cut off.

Due to these events, the Mexican National Human Rights Commission has considered it necessary to issue the following **RECOMMENDATIONS**:

TO YOU, MADAME DEPUTY AND PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF OAXACA'S LXI LEGISLATURE:

FIRST. Act as necessary to ensure that recommendation 13/2010, issued by the State Human Rights Commission of the Free and Sovereign State of Oaxaca, is fully complied with. Also, an investigation must be initiated to determine the responsibilities in which civil servants from the municipality of San Mateo Cajonos, Villa Alta, Oaxaca, as well as due to their lack of response to the request for information. Proof of compliance must be sent to the National Commission.

SECOND. Urge the Town Hall of San Mateo Cajonos, Villa Alta, Oaxaca, to submit the reports requested by the Mexican National Human Rights Commission in order to comply with what is established by the law of this institution which protects human rights.

TO YOU, THE MEMBERS OF THE TOWN HALL OF SAN MATEO CAJONOS, VILLA ALTA, OAXACA:

FIRST. Proceed to instruct whomever it may concern in order for recommendation 13/2010, issued on May 20th 2010 by the State Human Rights Commission of the Free and Sovereign State of Oaxaca, to be complied with. Proof of compliance must be sent to the National Commission.

SECOND. Fully cooperate with the filing and follow-up of the complaint which the Mexican National Human Rights Commission submits to the Oaxaca District Attorney's Office against the municipal civil servants who participated in the events which led to this recommendation. All evidence requested must be submitted to the National Commission together with proof of compliance.

THIRD. Order the design and execution of a permanent training program on traditional regulatory systems as well as on local ways and traditions used to solve internal disputes, to which municipal civil servants and community authorities must be subjected to. This must be done in accordance with the general principles of the Political Constitution of the United Mexican States and with respect for human rights and for the dignity and integrity of the people. Proof of compliance must be sent to the national commission.

RECOMMENDATION 77/2010

Mexico City, December 2nd, 2010

SUBJECT: ABOUT THE CASE OF TORTURE TO THE DETRIMENT OF V1, CRUEL TREATMENT DAMAGING TO V2 AND UNLAWFUL DETENTION TO THE DETRIMENT OF V1, V2 AND V3

AUTHORITY RESPONSIBLE:
SECRETARY OF NATIONAL DEFENSE

The complaint written by Q1 on March 25th 2009 was received by the State Human Rights Commission of Sinaloa on the 27th day of the aforementioned month and year. In it, Q1 stated that at approximately 08:00 hours on March 2nd 2009, Mexican Army personnel stopped his brother V1, who was accompanied by V2 and V3, near the towns of La Estancia and Las Mesas, in Culiacan, Sinaloa. Some wooden boxes, a roll of plastic, paper and a pair of scissors were found amongst their belongings which, unknown to V1, V2 and V3, could be used to pack marijuana. As a result, the soldiers began to beat them, asking them where the drugs were and inserting a flashlight into V1's anus. In light of these events, the National Commission initiated complaint file CNDH/2/2009/1620/Q and, in an attempt to log human rights violations, assistant visitors and appraisers from the national commission performed a variety of field work to gather testimonials and other evidence. Also, the Secretariat of National Defense, the Office of the Attorney General and the Center for the Execution of the Legal Consequences of a Crime in Culiacan, Sinaloa were asked for information.

From the logical-legal analysis performed on the entirety of the evidence contained within complaint file CNDH/2/2009/1620/Q, the National Commission determined that civil servants from the 94th Infantry Battalion based in Culiacan, Sinaloa, infringed upon the fundamental rights to legality, legal certainty, and to personal integrity and safety to the detriment of V1, V2 and V3. This was the result of human rights violating actions such as torture, cruel and/or humiliating treatment and illegal retention, mentioned within article 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.

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

TO YOU, MR. GENERAL AND SECRETARY OF NATIONAL DEFENSE:

FIRST. Repair the damage caused to V1, V2 and V3 by means of the medical, psychological and rehabilitation assistance needed to return their physical and psychological health to the way they were before their human rights were violated. The National Commission must be told about the result.

SECOND. Collaborate amply with the Mexican National Human Rights Commission during the filing and 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 the Secretariat of National Defense who were involved in the events condemned in this case. All evidence requested must be sent to the national commission together with proof of compliance.

THIRD. Amply collaborate during the filing and follow up of the declaration of events presented by the National Commission to 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 preliminary investigation in accordance with their jurisdictions given that the behavior of federal civil servants led to the recommendation at hand. Any proof of compliance requested must be sent to the national commission.

FOURTH. Instruct whomever it may concern to make sure that the people detained during the operatives performed by Mexican Army personnel are not taken to military facilities and are instead brought before the appropriate prosecuting authority immediately. The national commission must be informed in detail once this has been done.

FIFTH. 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 and lower ranks and effectiveness 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.

SIXTH. Issue the instructions needed to enforce the measures required to tackle certain actions executed by Army personnel such as those detailed within the observations chapter of the current recommendation, as well as to take the necessary steps to ensure they are not repeated. Proof of compliance must be submitted once this has been done.

SEVENTH. In order to guarantee unbiased and objective medical evaluations by medical personnel in the military, courses must be carried out to verify the fulfillment of the legal and ethical obligation to abide by the medical revision procedures established by the law, without failing to describe the injuries observed and to report cases in which maltreatment or torture is believed to have occurred to the agent of the Public Prosecutor's Office. The national commission must be informed once this has been done.

RECOMMENDATION 78/2010

Mexico City, December 9th, 2010

SUBJECT: ABOUT THE RECOURSE OF IMPUGNATION FILED BY V1

AUTHORITY RESPONSIBLE:

MADAME PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF GUERRERO'S LIX LEGISLATURE
MEMBERS OF THE HEROIC TOWN HALL OF TLAPEHUALA, GUERRERO STATE

The complaint filed by V1 was received by the State Human Rights Commission of Guerrero on July 3rd 2009 and in it, he stated that he had been illegally detained by civil servants from the town hall of Tlapehuala. Along these lines, it is noteworthy to mention that V1 asked the federal authorities for protection from the aforementioned municipal authorities and asked to be exempted from having to comply with an eviction order requiring him to leave a parcel of land which he owns. However, the exemption trial was dismissed because the civil servants in question denied the existence of the actions being contested.

The aforementioned state commission initiated file CODDEHUM-VG/143/2009-II and, once the corresponding inquiry was completed, it confirmed that V1 had been the victim of an unlawful detention. It therefore addressed recommendation 98/2009 to AR5 on November 11th 2009, although no reply regarding its acceptance was given. Displeased with the unacceptance of the cited municipal authority, V1 submitted a recourse of impugnation on January 27th 2010.

From the logical-legal analysis performed on the entirety of the evidence contained within file CNDH/3/2010/38/RI, the Mexican National Human Rights Commission considered the impugnation recourse filed by V1 regarding the unacceptance of recommendation 98/2009 by the Town Hall of Tlapehuala, Guerrero, to be valid and well founded. This was determined due to the fact that violations to his human rights to legality, legal certainty, and to personal freedom were confirmed.

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

TO YOU, MADAME PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF GUERRERO'S LIX LEGISLATURE:

FIRST. Collaborate amply with the Mexican National Human Rights Commission in the filing of the declaration it submits to the corresponding authority in order for the Preliminary Examination Commission to begin working on the administrative responsibility of those who turn out to be responsible for the unacceptance of the cited recommendation, as well as for the omissions incurred by the authorities from the municipality of Tlapehuala during the filing of the complaint in question; with Congress then deciding on the matter in accordance with the law. This procedure is to be fueled by the considerations set forth in the observations chapter of this document and the Commission must be informed about this situation.

SECOND. Due to the lack of timely and truthful information provided by the municipal authority, the Town Hall of Tlapehuala, Guerrero, must be urged to submit the reports requested hereafter by the Mexican National Human Rights Commission in order to comply with the contents of the law of this institution.

TO YOU, THE MEMBERS OF THE HEROIC CONSTITUTIONAL TOWN HALL OF TLAPEHUALA, GUERRERO:

SOLE RECOMMENDATION. Proceed to instruct whomever it may concern in order for recommendation 78/2010, issued by the State Human Rights Commission of Guerrero on November 11th 2009, to be fully complied with. Proof of compliance must be sent to the Mexican National Human Rights Commission.

RECOMMENDATION 79/2010

Mexico City, December 10th, 2010

SUBJECT: ABOUT THE CASE OF THE DEATH OF V1, THE TORTURE OF V2 AND THE CRUEL TREATMENT DETRIMENTAL TO V3

AUTHORITY RESPONSIBLE:
SECRETARY OF NATIONAL DEFENSE

At approximately 16:00 hours on November 30th 2009, V2 and V3 were detained at the town of El Águila, Balancán, Tabasco State, by Mexican Army personnel assigned to the 38th Military Zone in Tenosique, Tabasco. They then took them to the military headquarters of such Military Zone, although it is important to mention that the soldiers of the Mexican Army made a stop during the journey and it was then that V2 realized that V1 had been detained.

V1, V2 and V3 were beaten by the soldiers who were holding them. During the night, V2 and V3 heard a soldier saying that V1 did not have a pulse.

V1 died on December 1st 2009 within the military complex, causing the agent of the Public Investigative Prosecutor's Office attached to the Assistant Attorney General's Office Specialized in Combating Kidnapping to initiate Preliminary Investigation 1. Due to jurisdictional reasons, this enquiry was then sent to the Public Investigative Prosecutor's Office in Tenosique, Tabasco and then to the Assistant District Attorney's Office for Social Impact of the Tabasco District Attorney's Office, where Preliminary Investigation 2 was initiated. According to the report sent by the Human Rights bureau of the Secretariat of National Defense, up until the day of its issuance no preliminary investigation had been initiated by the agent of the Military Public Prosecutor's Office assigned to the 38th Military Zone in Tenosique, Tabasco due to the events detailed in the complaint.

From the logical-legal analysis performed on the entirety of the evidence contained within complaint file number CNDH/2/2009/5734/Q initiated in light of these events, the National Commission confirmed violations of the human rights to life, freedom, personal integrity and safety, proper treatment, to legality and to legal certainty, to the detriment of V1, V2 and V3. They resulted from actions consisting in the taking of life, failure to assist, care for or aid all people when having the obligation to do so, arbitrary detention and illegal retention to the detriment of V1, as well as the torture of V2 and cruel, inhuman and humiliating treatment to the detriment of V3.; in addition to the arbitrary use of public force, arbitrary detention and unlawful retention to the detriment of V1, V2 and V3. All of these actions are attributable to civil servants of the Mexican Army assigned to the 38th Military Zone in Tenosique, Tabasco.

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

TO YOU, MR. GENERAL AND SECRETARY OF NATIONAL DEFENSE:

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. This must be done due to the institutional responsibility incurred by civil servants of the Secretariat of National Defense, based on the considerations mentioned within this recommendation. Proof of compliance must be sent to the National Commission.

SECOND. Instruct whoever it may concern in order for the damage caused to V2 and V3 to be repaired by means of the medical and psychological assistance needed to return their physical and psychological health to the way they were before their human rights were violated. The National Commission must be told about the result.

THIRD. Instruct the necessary persons in order for the civil servants of the Secretariat of National Defense to refrain from manipulating crime scenes or ordering them to be manipulated and/or distorting their historical and legal facts. Once this has been done, proof of compliance must be forwarded to the National Commission.

FOURTH. Generously collaborate with the Mexican National Human Rights Commission during the filing and processing of the complaint it submits to the General Inspection and Comptrollership Unit of the Secretariat of National Defense against the soldiers involved in the events condemned herein. Any evidence requested must be delivered to the national commission together with proof of compliance.

FIFTH. Amply collaborate with the filing and follow up of the declaration of events which the National Commission submits to the Office of the Attorney General and the Office of the General Attorney of Military Justice, respectively, in order for them to initiate the legally corresponding preliminary investigation in accordance with their jurisdiction, given that the actions of federal civil

servants led to 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 of the Political Constitution of the United Mexican States. This is to keep them from being taken to military facilities in order to have physical integrity evaluations performed on them because of what has been said earlier and due to the fact that the Office of the Attorney General has its own medical experts to perform such revisions. Once this has been done, a copy of such missive must be sent to the national commission.

SEVENTH. 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 and lower ranks and effectiveness 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 80/2010

Mexico City, December 13th, 2010

SUBJECT: ABOUT THE CASE OF THE DEATH OF V1 WITHIN THE FELIPE CARRILLO PUERTO REGION IN BUENAVISTA TOMATLÁN, MICHOACÁN STATE

AUTHORITY RESPONSIBLE:
SECRETARY OF NATIONAL DEFENSE

On November 25th 2008, Mexican Army personnel from the 6th Mechanized Regiment, supporting the 43rd Military Zone in Apatzingán, Michoacán and assigned to the *Nueva Italia* Joint Operations Base, performed reconnaissance in the town of Felipe Carrillo Puerto situated in the municipality of Buenavista Tomatlán, Michoacán State with the aim of apprehending alleged criminals. During the pursuit, the civil servants of the Secretariat of National Defense fired their weapons on the streets of the town and one of the bullets hit the head of V1, who became unconscious and was not given first aid by the soldiers.

V1 was assisted by T1 and T2, who took her to T3, a doctor in the town, who advised them to take her to the Santa Maria de Guadalupe Clinic in Apatzingán, Michoacán. At the cited hospital, an x-ray was taken of her and it was determined that her injuries were caused by a firearm projectile; they were also told that she would be taken to the city of Uruapan, in Michoacán State, because her health was in a fragile state. On November 27th 2008, Q3 submitted a declaration of events to the agent of the Federal Public Prosecutor's Office of the First Investigative Agency headquartered in Uruapan, Michoacán, who initiated Preliminary Investigation 1 due to criminal injuries to the detriment of V1.

Because of jurisdictional reasons, the social representative of the Federation in Uruapan forwarded Preliminary Investigation 1 on December 15th 2008 to his counterpart in Apatzingán, Michoacán, who initiated Preliminary Investigation 2. V1 died on March 13th 2009 due to multiple organ failure caused by the brain death brought upon her by the penetration of the firearm projectile. On March 26th 2009, personnel from the Secretariat of National Defense and Q3 signed an agreement for the payment of compensation for the death of V1 and for the medical expenses incurred during her treatment.

On July 23rd 2009, the social representative of the Federation in charge of Preliminary Investigation 2 sent a detailed copy of such enquiry to the agent of the Military Public Prosecutor's Office assigned to the 34th Military Zone in Apatzingán, Michoacán, who initiated Preliminary

Investigation 3. The latter was forwarded to the Special Military Jurisdiction Agency in Morelia, Michoacán, where Preliminary Investigation 4 was initiated. As of the day of issuance of this recommendation, the military authority has not yet commented on the legal status of such enquiry.

From the logical-legal analysis performed on the entirety of the evidence contained within file number CNDH/2/2008/5690/Q initiated due to these events, the National Commission confirmed violations of the human rights to life, personal integrity and safety, to legality and to legal certainty, to the detriment of V1. They were the result of actions consisting in the taking of life and arbitrary use of public force, attributable to civil servants from the Secretariat of National Defense's 6th Mechanized Regiment belonging to the Command of the 43rd Military Zone in Apatzingán, Michoacán.

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

TO YOU, MR. GENERAL AND SECRETARY OF NATIONAL DEFENSE:

FIRST. Instruct whomever it may concern in order for the damage inflicted upon the relatives of V1 to be repaired by means of the medical, psychological and rehabilitation assistance needed to reestablish their physical and psychological health. Proof of compliance must be sent to the National Commission.

SECOND. Collaborate generously with the Mexican National Human Rights Commission during the filing and 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 the Secretariat of National Defense who were involved in the events condemned in this case. All evidence requested must be sent to the national commission together with proof of compliance.

THIRD. Amply collaborate during the filing and follow up of the declaration of events presented by the national commission to 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 preliminary investigation in accordance with their jurisdictions given that the behavior of federal civil servants led to the recommendation at hand. Any proof of compliance requested must be sent to the national commission.

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 and lower ranks and effectiveness 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. Issue an official missive aimed at military personnel in order for them to submit complete operations reports which truthfully and precisely state the way, time and place in which events take place. The goal of this is to have knowledge of the facts since the beginning of a situation such as the one addressed in this case.

RECOMMENDATION 81/2010

Mexico City, December 14th, 2010

SUBJECT: ABOUT THE CASE OF CRUEL TREATMENT TO THE DETRIMENT OF V1

AUTHORITY RESPONSIBLE:
SECRETARY OF NATIONAL DEFENSE

On February 20th 2009, at between 20:30 and 21:00 hours, 18 year old V1 was at his home ingesting alcoholic beverages with some neighbors and then left to return a neighbor to his home using the truck of Q1. He did so at approximately 23:00 hours and when he crossed the

intersection of 110th street and Moctezuma, within the Tierra Nueva quarter, personnel from the Armed Forces and from “mixed units” (formed by both police officers and soldiers) were searching a house whilst the soldiers on the street ordered V1 to stop, who failed to do so because he was under the influence of alcohol and because he feared they might take the truck from him.

As a result, Mexican Army personnel fired at him, causing him to stop a few meters ahead. As he was hurt, he was taken to the Ciudad Cuauhtémoc Healthcare Center, the *Dr. Javier Ramírez Topete* General Hospital, where he was admitted because of being injured by a firearm projectile. However, as Mexican Army personnel stated that they had found 350 grams of marijuana, a .357 caliber pistol, ammunition for such gun and a fragmentation grenade on V1, he was handed over to the head of the Itinerant Investigative Mesa of the Public Prosecutor’s Office of the Federation. He, in turn, attested to the injuries presented by V1 on February 22nd 2009 and issued an agreement to try the case as a part of Preliminary Investigation 1 on the same day, initiating a criminal proceeding against him because of being a probable suspect of committing the crimes of carrying a firearm exclusively intended for use by the Mexican Army, Navy and Air Force and a crime against health by possessing marijuana for resale purposes.

On February 27th 2009, the social representative of the Federation issued an official document in which he stated that, as events which probably resulted in the commission of a crime had taken place and those most likely suspects seemed to be members of the military, a certified copy of Preliminary Investigation 1 had to be sent to his counterpart with military jurisdiction in order for him to proceed in accordance with military law. This led to the initiation of Preliminary Investigation 2, which is currently underway.

On February 28th 2009, a Criminal Judge of the Benito Juárez Judicial District in Ciudad Cuauhtémoc, Chihuahua State, issued an imprisonment order against V1 due to his commission of the aforementioned crimes and handed the case over to the corresponding District Judge headquartered in the city of Chihuahua due to jurisdictional reasons, as the offences in question are classified as federal crimes. This caused Judicial Inquest 2 to be initiated by a District Court within the previously mentioned state, where the judge of the Second Single Judge Tribunal of the Seventeenth Circuit emitted its sentence for the corresponding Toca. This sentence dictated a four year and ten month prison sentence and a fine for V1. Who was denied the benefit of prison sentence substitution and the benefit of a conditional sentence. V1 therefore filed a criminal appeal through his lawyer, which was resolved on October 11th 2010, when he was denied the protection of federal justice. This is the reason why he is currently an inmate of the *Aguiles Serdán* Social Re-Adaptation Center (CERESO) in Chihuahua State.

From the logical-legal analysis performed on the entirety of the evidence contained within complaint file number CNDH/2/2009/1240/Q initiated due to these events, the Mexican National Human Rights Commission confirmed violations of the human rights to personal integrity and safety, to proper treatment, to legality and to legal certainty, to the detriment of V1. They resulted from actions consisting in the arbitrary use of public force and cruel treatment by Mexican Army personnel during the events which took place on February 30th 2009 in Ciudad Cuauhtémoc, Chihuahua.

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

TO YOU, MR. GENERAL AND SECRETARY OF NATIONAL DEFENSE:

FIRST. Take the necessary steps to repair the damage inflicted upon V1 by means of the appropriate compensatory payment and through the medical, psychological and rehabilitation assistance needed to return his physical and psychological health to the way it was before his human rights were violated. The National Commission must be told about the result.

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 and upper ranks as well as at the officers

of the Army and effectiveness 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 the necessary persons in order for the civil servants of the Secretariat of National Defense to refrain from manipulating crime scenes, ordering them to be manipulated, tolerating their manipulation and/or the distortion of their historical and legal facts. They must also be trained on the preservation of criminal evidence and, once this has been done, proof of compliance must be forwarded to the national commission.

FOURTH. Collaborate generously with the Mexican National Human Rights Commission during the filing and 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 the Secretariat of National Defense who were involved in the events condemned in this case. All evidence requested must be sent to the national commission together with proof of compliance.

FIFTH. Amply collaborate during the filing and follow up of the declaration of events presented by the national commission to 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 preliminary investigation in accordance with their jurisdictions given that the behavior of federal civil servants led to the recommendation at hand. Any proof of compliance requested must be sent to the national commission.

SIXTH. Take the necessary steps to properly regulate the operation of roadblocks and check points, also establishing standard operational parameters and signals. This aims to ensure the respect for the integrity of the people as well as to guarantee that public force and lethal weapons are only used when strictly necessary, when death is imminent or when Mexican Army personnel or other individuals have been severely wounded.

RECOMMENDATION 82/2010

Mexico City, December 14th, 2010

SUBJECT: ABOUT THE CASE OF V1'S DETENTION

AUTHORITY RESPONSIBLE:

MEMBERS OF THE HEROIC CONSTITUTIONAL TOWN HALL OF ALVARADO, VERACRUZ STATE

On May 15th 2009, the Mexican National Human Rights Commission received the complaint in which Q1 described alleged human rights violations to the detriment of V1 and attributed them to AR1 as well as to AR2, AR3 and AR4, from the municipality of Alvarado, Veracruz State.

In his complaint, he stated that on May 9th 2009, at approximately 19:30 hours, V1 was detained arbitrarily by two "hooded" police officers whilst covering an event which AR1 was attending. They tried to take his photographic camera and forcefully pushed him onto a van displaying the logo of the Municipal Police Force of such place; in the van, there were two more officers of such force, who claimed they were merely following orders. He also stated that Q1 was taken to the Headquarters of the Municipal Police Force of Alvarado, Veracruz, where he remained in custody for twenty hours only to be released on the 10th of May of such year. These actions were provoked by the publication of the premiere edition of the journal directed by V1, which was shown to AR1. He continued his complaint by saying that in addition to V1 being deprived of his freedom, incarcerated and intimidated, AR1 filed suit against him over defamation and libel on the day of his release, May 10th 2009. In order to assemble the file, it was decided to exercise the authority to assert jurisdiction over the case and the Municipal President's Office of Alvarado, Veracruz and the District Attorney's Office of the aforementioned State were asked to submit a detailed report on the events described within the complaint.

Based on the logical-legal analysis of the case, the National Commission issued its resolution on the violations of the human rights to legality, legal certainty and freedom of speech, to the detriment of V1 and attributable to AR1, AR2, AR3 and AR4. It is hereby proved that AR2, AR3 and AR4 carried out an illegal act to the detriment of V1 by detaining him without complying with the requirements established by article 16, first, sixth and seventh paragraphs, of the Political Constitution of the United Mexican States. This is to say that they did so without a warrant issued by the corresponding authority; without apprehending him whilst committing a crime in flagrante, and; without this being an urgent matter, given that the offended was apprehended whilst taking pictures at a public event.

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

TO YOU, THE MEMBERS OF THE HEROIC CONSTITUTIONAL TOWN HALL OF ALVARADO, VERACRUZ:

FIRST. Instruct whoever it may concern so that, taking the resolution to be issued by the National Commission into account, the necessary actions are taken to initiate the procedure stipulated by the Fundamental Law of the Free Municipality in the state of Veracruz, against AR1. This aims to determine the responsibility he may have incurred due to the events revealed by this recommendation. The National Commission must be informed about the progress and the result of your actions.

SECOND. Amply collaborate with the Mexican National Human Rights Commission during the initiation and processing of the complaint it submits to the Heroic Town Hall in question regarding AR2, AR3 and AR4, who intervened in the events condemned here in. The National Commission must be informed about the progress and the result of your actions.

THIRD. Issue instructions to whomever it may concern so that the necessary steps are taken to offer training programs for the civil servants of such Municipality on the duties assigned to them by current laws on the subject of safekeeping human rights. Once this has been done, the National Commission must be briefed.

RECOMMENDATION 83/2010

Mexico City, December 16th, 2010

SUBJECT: ABOUT THE CASE OF V1'S DEATH WITHIN THE LOS LIMONEROS GATED COMMUNITY IN CUERNAVACA, MORELOS STATE

AUTHORITY RESPONSIBLE:
SECRETARY OF THE NAVY

At approximately 02:30 hours on December 11th 2009, V1 was travelling onboard her vehicle within the *Los Limoneros* gated community in Cuernavaca, Morelos, when she was reached by firearm projectiles fired by Naval personnel, which hit her and inflicted deadly injuries.

At 10:48 hours of that day, the agent of the Public Prosecutor's Office attached to the Assistant District Attorney's Office for Homicides of the Morelos State District Attorney's Office initiated Investigation Folder 1, due to the crime of unintended murder committed to the detriment of three people, with V1 being one of them. However, on April 9th 2010, he handed the case over to the investigative agent of the Military Public Prosecutor's Office assigned to the 24th Military Zone in Cuernavaca, Morelos, who initiated Preliminary Investigation 1, which is currently underway.

From the logical-legal analysis performed on the entirety of the evidence contained within complaint file number CNDH/2/2009/5985/Q initiated due to these events, the National Commission confirmed violations of the human rights to legality and legal certainty, personal integrity and safety, proper treatment, information, access to justice and to honor, to the

detriment of V1 and Q2. They were the result of actions consisting in the arbitrary use of public force and unrighteous claims as well as the unlawful exercise of public duties.

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

TO YOU, MR. SECRETARY OF THE NAVY:

FIRST. Instruct whoever it may concern to take the steps needed to pay compensation for and repair, the damage inflicted upon Q2 and the relatives of V1, or whoever proves to be more lawfully entitled. If necessary, they must also be given the appropriate physical and psychological attention for as long as needed. This is due because of the institutional responsibility incurred in by the civil servants of the Secretariat of the Navy as detailed by the considerations set forth in the recommendation at hand. Proof of compliance must be sent to the National Commission.

SECOND. Issue instructions so that the civil servants of the Secretariat of the Navy submit complete, precise and timely reports to the national commission in order for it to possess evidence which reveals the historical and legal facts of the events concerning the investigations performed to monitor and defend human rights. Proof of compliance must be sent to the National Commission.

THIRD. Collaborate generously with the Mexican National Human Rights Commission during the filing and processing of the complaint it presents before the General Inspection and Comptrollership Body of the Navy against the civil servants of the Secretariat of the Navy who were involved in the events condemned in this case. All evidence requested must be sent to the National Commission together with proof of compliance.

FOURTH. Amply collaborate during the filing and follow up of the declaration of events presented by the national commission to 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 preliminary investigation in accordance with their jurisdictions given that the behavior of federal civil servants led to the recommendation at hand. Any proof of compliance requested must be sent to the national commission.

FIFTH. Issue the instructions needed 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 and at 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 governs the legitimate use of force by naval personnel. Educational material suitable for broadcasting and which is easily accessible to naval personnel must also be created and proof of compliance must be sent to the National Commission.

RECOMMENDATION 84/2010

Mexico City, December 16th, 2010

SUBJECT: ABOUT THE RECOURSE OF IMPUGNATION SUBMITTED BY V1

AUTHORITY RESPONSIBLE:

MADAME PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF OAXACA'S LXI LEGISLATURE
CITIZEN MEMBERS OF THE HEROIC TOWN HALL OF SAN ANDRES SOLAGA, VILLA ALTA DISTRICT, OAXACA STATE

On August 23rd 2007, the town hall of San Andrés Solaga, Villa Alta district, Oaxaca State imposed a fine of \$40,000.00 (forty thousand pesos) on V1, V2, V3, V4, V5, V6, V7, V8, V9 and V10 for not enrolling their children in the secondary school of the community. They were also told that they would not be entitled to documentation procedures and that they would have to perform three years of community service: all due to a decision made by the general citizens' assembly on August 7th 2007.

On October 24th 2007, AR1 and AR2 cut the drinking water supply and electricity of V1, V5 and V6; they also shut the main door of the house of V12 with a chain and padlocks. Finally, V1, V3, V4, V8, V10, V13, V14, V15 and V16 were expelled from the aforementioned municipality during the months of September and October 2007. And therefore, the state human rights commission initiated file CDDH/927/ (27)/OAX/2007 and, once the corresponding enquiry was concluded, it issued recommendation 02/2009 on February 27th 2009, addressing it to the members of the town hall of San Andrés Solaga, Villa Alta district, Oaxaca State, amongst other people.

It is also important to mention that preliminary investigations 1 and 2 were initiated by the III and V Official, Medical and Technical Responsibility Mesas of the Oaxaca District Attorney's Office. These enquiries went against AR1, AR2 and AR4 due to their probable involvement in the commission of the crime of abuse of power to the detriment of V13, V6 and V2. Criminal proceedings were begun within such investigations on May 12th and July 13th 2009, respectively. However, AR3 and AR6 notified the State Human Rights Commission of Oaxaca about their unacceptance of such recommendations by means of an unnumbered official missive sent on August 26th 2009.

Displeased with the municipal authorities' unacceptance, V1 consequently filed a recourse of impugnation on February 16th 2010.

From the logical-legal analysis performed on the entirety of the evidence which is contained within file CNDH/3/2010/58/RI, the National Commission considered the impugnation recourse filed by V1 regarding the unacceptance of recommendation 02/2009 by the town hall of San Andrés Solaga, Villa Alta district, Oaxaca State, to be valid and well founded. This was determined due to the fact that violations of the human rights of V1, V2, V3, V4, V5, V6, V7, V8, V9, V10, V11, V12, V13, V14, V15 and V16 to legality, legal certainty, equality, health, environmental conservation, personal freedom, education and to not be discriminated were observed.

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

TO YOU, MADAME DEPUTY AND PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF OAXACA'S LXI LEGISLATURE:

FIRST. Issue the necessary instructions to whom it may concern in order to for the legally corresponding investigation to be initiated to determine the responsibility possibly incurred by civil servants of the town hall of San Andrés Solaga, Villa Alta district, Oaxaca State, due to the unacceptance of recommendation 02/2009, issued by the State Human Rights Commission of Oaxaca. This procedure is to be fueled by the considerations set forth in the observations chapter of this document and the Mexican National Human Rights Commission must be informed about this situation.

SECOND. Urge the town hall of San Andrés Solaga, Villa Alta district, Oaxaca State, to deliver the reports requested by the Mexican National Human Rights Commission so as to comply with what is stipulated by the law of this institution which defends human rights.

TO YOU, THE MEMBERS OF THE TOWN HALL OF SAN ANDRÉS SOLAGA, VILLA ALTA DISTRICT, OAXACA:

FIRST. Proceed to instruct whomever it may concern in order for recommendation 02/2009, issued by the State Human Rights Commission of Oaxaca on February 27th 2009, to be fully complied with. The Mexican National Human Rights Commission must be informed about this situation.

SECOND. Order the design and execution of a permanent training program on traditional regulatory systems as well as on local ways and traditions used to solve internal disputes, to which municipal civil servants and community authorities must be subjected to. This must be done in accordance with the general principles of the Political Constitution of the United Mexican States and with respect for human rights and for the dignity and integrity of the people. Proof of compliance must be sent to the national commission.

RECOMMENDATION 85/2010

Mexico City, December 21st, 2010

SUBJECT: ABOUT THE CASE OF V1, WHO DIED INSIDE THE FERBER MINE SITUATED IN THE SAN JUAN SABINAS MUNICIPALITY OF COAHUILA STATE

AUTHORITY RESPONSIBLE:

SECRETARY OF LABOR AND SOCIAL WELFARE

SECRETARY OF ECONOMY

On November 23rd 2009, the complaint filed by Q1, Q2, Q3, Q4, Q5 and Q6 was received by the Mexican National Human Rights Commission. In it, they stated that V1 died on September 11th 2009 inside the Ferber Mine, situated in the municipality of San Juan de Sabinas, Coahuila State, and requested an investigation into the responsibility held by the Secretariat of Labor and Social Welfare, the Secretariat of Economy and the Mexican Social Security Institute over the denounced events. They added that on August 13th 2009, staff of the Federal Labor Delegation in Coahuila visited the work place run by Company 1 and performed a Periodic Inspection of General Safety and Hygiene Conditions, leading them to initiate file 125/000626/2009. In the latter, it was determined that such place did not comply with various safety measures and a company representative was therefore told that workers' access to the interior of the mine would be restricted until the employer or legal representative complied with the cited safety measures.

It wasn't until September 17th 2009 that civil servants from the Federal Labor Delegation in Coahuila revisited and performed an Inspection to Verify the Fulfillment of Immediate-Application Measures, only to certify that they had not been entirely complied whilst also realizing that the workers continued to work in the mine. In response to the allegedly human rights violating events reported, the National Commission initiated complaint file CNDH/2/2009/5633/Q; and, in order to log possible violations, assistant visitors performed various tasks to gather information. Additionally, the Secretariat of Labor and Social Welfare, the Secretariat of Economy and the Mexican Social Security Institute (IMSS) were asked to hand in reports; they were also asked to implement precautionary measures in order to safeguard the integrity of the workers of the Ferber Mine.

From the logical-legal analysis performed on the entirety of the evidence contained within complaint file number CNDH/2/2009/5633/Q, the Mexican National Human Rights Commission confirmed violations of the human rights to legality and legal certainty to the detriment of V1 and all other workers of the Ferber Mine. These resulted from actions consisting in the improper provision of public service which are attributable to civil servants from the Secretariat of Labor and Social Welfare and the Secretariat of Economy

Due to these events, the Mexican National Human Rights Commission has considered it necessary to respectfully issue the following **RECOMMENDATIONS:**

TO YOU, MR. SECRETARY OF LABOR AND SOCIAL WELFARE:

FIRST. Instruct whomever it may concern so that the necessary steps are taken to pay compensation for and repair the damage inflicted upon the relatives of V1 or anyone who proves to be more lawfully entitled, due to the institutional responsibility incurred by the civil servants of such Secretariat. This procedure is to be fueled by the considerations set forth within the recommendation at hand and proof of compliance must be sent to the National Commission.

SECOND. Order the immediate execution of effective preventive actions with the aim of improving the safety, hygiene and health conditions of mines nationwide and particularly of those within the Coal Mining Area of the state of Coahuila. This must be done in accordance with the

obligations legally conferred upon such Secretariat on the subject of monitoring the safety, hygiene and health conditions of work places.

THIRD. Instruct whoever it may concern so that underground coal mines are subjected to periodic inspections with the aim of verifying the safety and hygiene conditions of such work places and to request the documents needed to certify that companies have the concession and authorization to perform mining work. Proof of compliance must be sent to the National Commission once this has been done.

FOURTH. Act as needed to periodically evaluate the personality profile and the knowledge about human rights and about the safety and health condition inspections performed at the mines of the inspectors assigned to such Secretariat. This will single out the civil servants who place society in grave danger and hinder the proper execution of public duties, thus avoiding the reoccurrence of conducts such as those which caused the current recommendation. Proof of compliance must be sent to the National Commission.

FIFTH. Take the necessary steps to reinforce the procedures regarding professional civil service in order for staff to be selected and hired considering the needs of the position, background, education, training and the evaluation of the officials or civil servants in charge of safety and hygiene inspections. This will ensure that the law is enforced properly; proof of compliance must be sent to the national commission.

SIXTH. Collaborate amply with the National Commission during the processing of the complaint it files before the Internal Affairs Department of such Secretariat against the civil servants who intervened in the events condemned herein. The National Commission must be continuously informed from the beginning of the investigation up until the procedure is concluded.

SEVENTH. Instruct whoever it may concern so that actions are carried out and measures are implemented to properly assemble the National Business Directory in order to promptly locate and carry out inspections at the mines to avoid future accidents at companies which have mining concessions. Proof of compliance must be sent to the National Commission once this has been done.

EIGHTH. Issue the instructions needed to provide the Federal Labor Delegations of the Mexican Republic with sufficient material, financial and human resources so that the necessary measures for preventing work related accidents and illnesses are determined. The goal of this is to ensure that the activities performed at companies which have mining concessions are executed under safe and hygienic conditions, and within an environment suitable for the workers. Proof of compliance must be sent to the National Commission.

NINTH. Instruct whoever it may concern to establish an information exchange system between such Secretariat and the Secretariat of Economy in order to detect the work hazards and accidents which have occurred at mining lots throughout the Mexican Republic. This information must then be used to perform inspections to verify the safety and hygiene conditions of those workplaces.

TO YOU, MR. SECRETARY OF ECONOMY:

FIRST. Instruct whomever it may concern so that the necessary steps are taken to pay compensation for and repair the damage inflicted upon the relatives of V1 or anyone who proves to be more lawfully entitled, due to the institutional responsibility incurred by the civil servants of such Secretariat. This procedure is to be fueled by the considerations set forth within the recommendation at hand and proof of compliance must be sent to the National Commission.

SECOND. Issue instructions in order for effective preventive actions to be immediately carried out with the aim of combating the illegal exploitation of mines throughout the country and improving the safety, health and hygiene conditions in which miners work, specially within the Coal Mining Area of the state of Chihuahua. This must be done in accordance with the obligations legally conferred upon such Secretariat on the subject of mining.

THIRD. Order the execution of inspections throughout the Mexican Republic so as to detect or verify the existence of mining lots at which mineral exploitation, exploration or processing

activities are performed in order to keep the Public Mining Information Register and the Mexican Mining Cartography up to date.

FOURTH. Collaborate amply with the National Commission during the processing of the complaint it files before the Internal Affairs Department of such Secretariat against the civil servants who intervened in the events condemned herein. The National Commission must be continuously informed from the beginning of the investigation up until the procedure is concluded.

FIFTH. Instruct whoever it may concern to establish an information exchange system with the Secretariat of Labor and Social Welfare in order to detect the work hazards and accidents which have occurred at mining lots throughout the Mexican Republic. This information must then be used to perform inspections to verify the safety and hygiene conditions of those workplaces.

RECOMMENDATION 86/2010

Mexico City, December 21st, 2010

SUBJECT: ABOUT THE CASE OF THE ARBITRARY DETENTION, UNLAWFUL RETENTION AND TORTURE OF V1 AND V2 IN THE CITY OF MATAMOROS, TAMAULIPAS STATE

AUTHORITY RESPONSIBLE:
SECRETARY OF THE NAVY

On February 3rd 2010, the National Commission received the written complaints submitted by Q1 and Q2, in which they stated that, at approximately 15:00 hours on February 2nd 2010, V1 and V2 were onboard a van owned by V2 in the *Victoria* gated community in Matamoros, Tamaulipas when they were detained by Naval personnel. They then took them to the headquarters of the local naval-military sector located at kilometer 17.5 of the highway to Ciudad Victoria. The plaintiffs tried to locate them at the local and federal Public Prosecutor's Offices without any luck and therefore visited the cited naval sector at approximately 19:00 hours, where they were received by AR1. AR1 mentioned being aware of the fact that two youths were with them but not at the headquarters; claiming that they could not be given any further information and advised them to expect a call at 22:00 hours. After not hearing from AR1, they once again went to the aforementioned headquarters at around 22:40 hours, at which time they were taken to building at the far end of the complex.

Q2 recalled dialing V2's telephone number at that moment and hearing it ring in a room adjacent to the office of AR1, who denied they were there. However, AR1 told them that they had been detained for carrying a radio with a frequency which struck them as "strange", but had given orders for them not to be beaten, and said they would be brought before the agent of the Federal Public Prosecutor's Office at midnight.

Q1 and Q2 said they arrived at the branch of the Office of the Attorney General in Matamoros, Tamaulipas State, at approximately 01:00 hours on February 3rd 2010, where they saw V1 and V2 and noticed there were injuries on their faces, skull and buttocks and their clothes were damp. On February 3rd 2010, V1 and V2 were released by the Federal prosecuting authority due to lack of evidence.

Also, on February 11th 2010, Q2 told the Mexican National Human Rights Commission staff stationed in Matamoros, Tamaulipas that at approximately 01:00 hours of that day, naval personnel entered their homes without a search warrant and arrested V1 and V2. They then took them to the airport of such city and loaded them onto a "Hercules" transport plane belonging to the Secretariat of the Navy and ferried them to Mexico City. In the end, they were handed over to the

agent of the Federal Public Prosecutor's Office attached to the Assistant Attorney General's Office for Special Investigations on Organized Crime.

In response to the denounced human rights violating events, the National Commission initiated complaint file CNDH/2/2010/671/Q and, in order to assemble it properly, its staff performed a variety of field work to gather information, testimonials and other evidence relating to the offended, their relatives, and witnesses and to the place where the events took place. Also, the Secretariat of the Navy and the Office of the Attorney General were asked for information.

From the logical-legal analysis performed on the entirety of the evidence contained within file CNDH/2/2010/671/Q, the National Commission confirmed violations of the human rights to freedom, personal integrity and safety and to legality and legal certainty, to the detriment of V1 and V2. They resulted from actions consisting in arbitrary detention, illegal retention, delay in bringing detainees before the competent authority, isolation, torture and wrongful accusation of criminal behavior, attributable to civil servants from the Secretariat of the Navy assigned to the Naval Sector of Matamoros, Tamaulipas.

In response to these events, the Mexican National Human Rights Commission has issued the following **RECOMMENDATIONS**:

TO YOU, MR. SECRETARY OF THE NAVY:

FIRST. Instruct whoever is responsible to take the necessary steps to pay compensation for and repair the damage brought upon V1 and V2 by means of the victimological, medical, psychological and rehabilitation assistance needed to return their physical and mental health to the way they were before their human rights were violated. Proof of compliance must be sent to the National Commission.

SECOND. 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 and at 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 governs the legitimate use of force by naval personnel. Proof of compliance must be sent to the National Commission.

THIRD. Instruct whoever it may concern so that Mexican Navy personnel involved in public safety duties, mainly operatives against organized crime, refrain from using force except when strictly necessary and unavoidable. This will avoid an abuse of power or arbitrary use of public force through actions such as the torture of the people they detain as a result of these duties. Proof of compliance must be sent to the National Commission.

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

FIFTH. In order to guarantee unbiased and objective medical evaluations by medical personnel in the navy, courses must be carried out to verify the fulfillment of the legal and ethical obligation to abide by the medical revision procedures established by the law, without failing to describe the injuries observed and to report cases in which maltreatment or torture is believed to have occurred to the agent of the Public Prosecutor's Office. The national commission must be informed once this has been done.

SIXTH. Collaborate generously with the National Commission during the processing of the complaint it submits to the General Inspection and Comptrollership Body of the Mexican Navy against the civil servants of the Secretariat of the Navy who were involved in the events

condemned in this case. The national commission must be continuously informed from the beginning of the investigation up until the procedure is concluded.

SEVENTH. Amply collaborate during the filing and follow up of the declaration of events which the Mexican National Human Rights 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 preliminary investigation in accordance with their jurisdictions, given that the behavior of federal civil servants was the one to originate this recommendation. Any proof of compliance requested must be sent to the national commission.

DIRECTORY

President

Raúl Plascencia Villanueva

First General Visitor

Luis García López Guerrero

Second General Visitor

Marat Paredes Montiel

Third General Visitor

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