



Comisión Nacional de los  
Derechos Humanos  
MEXICO

# Newsletter

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DECEMBER, 2012

## The voice of the President

**Remarks of Dr. Raúl Plascencia Villanueva, president of the National Human Rights Commission, at the National Human Rights Award Ceremony 2012**

Mr. Enrique Peña Nieto, president of the United Mexican States  
Mr. Miguel Ángel Osorio Chong, minister of the Interior  
Counselors and Advisors of National Human Rights Commission  
Mrs. María Lucero Saldaña Pérez,  
Mrs. Martha Edith Vital Vera,  
Mr. Carlos Girón, members of the Council Awards  
Mrs. Angélica de la Peña, president of the Human Rights Commission at the Senate of the Republic

Mrs. Diva Hadamira Gastelum Bajo, president of the Commission for Gender Equality at the Senate of the Republic  
Mrs. Isabel Miranda of Wallace, National Human Rights Prize 2010  
Mr. Jaime Pérez Calzada National Human Rights Prize 2007

Ladies and gentlemen:



Today, that commemorates the International Human Rights Day, we have enough reasons to remember the existing challenge to ensure that people be in position to know their rights and the mechanisms to enforce them.

Also, to consider ways to overcome a reality that excludes many social groups access to better living conditions, within a framework of equality of opportunities, welfare and social justice.

Last year there was a very significant reform in human rights' field, which seeks to provide a new meaning to the relationship between the powers and public organisms with people, where human rights are the activity guide for the Mexican State.

[www.cndh.org.mx/discursos](http://www.cndh.org.mx/discursos)

## Event of the month

**Delivery of the National Human Rights Prize 2012, the presbyter Alejandro Solalinde Guerra**



The presbyter José Alejandro Solalinde Guerra received the National Human Rights 2012 award, granted by the CNDH for his outstanding trajectory and continuous commitment to migrants' human rights promotion and defense

## CNDH GRANTS NATIONAL AWARD TO JOSÉ ALEJANDRO SOLALINDE GUERRA

**CGCP/325/12**

*December 1<sup>st</sup>, 2012*

The Awards Council of the National Human Rights Awards 2012 (spanish initials – PNDH 2012), integrated by Raúl Plascencia Villanueva, president of the CNDH; Mrs. María Lucero Saldaña Pérez, member of Human Rights Committee of the Senate of the Republic; Mrs. Martha Edith Vital Vera, member of the Human Rights Commission of the Chamber of Delegates; Andrés Roemer, member of Consulting Council of the

CNDH, as well as Carlos Girón Gutiérrez, president of Azcapotzalco for Health and Education A. C., decided to approve the PNDH 2012 Jury's resolution, integrated by Enrique Ku Herrera, president of Mexican Indigenous Council, A. C.; Marco Antonio Morales Gómez, president of Human Rights Commission of the State of México; and Adolfo López Badillo, president of the Human Rights Commission of the State of Puebla, to grant the PNDH 2012, to presbyter José Alejandro Solalinde Guerra for his outstanding trajectory

in promotion and defense of migrants' human rights.

The CNDH recognizes labor which in this sense, the award winning has served in shelter "Hermanos del Camino", in Itepec, Oaxaca, founded on February 27, 2007. The National Human Rights Award is a recognition that Mexican society confers, through the CNDH, to persons who have excelled in the effective promotion and protection of fundamental rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_325.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_325.pdf)

## ADDING EFFORTS AGAINST HUMAN TRAFFICKING

**CGCP/326/12**

*December 1<sup>st</sup>, 2012*

For the National Human Rights Commission (spanish initials – CNDH) must be a priority eliminate human trafficking, a crime considered as a form of modern slavery.

It is necessary to undertake information campaigns to prevent this crime, especially among most vulnerable population groups: girls, boys, women, indigenous people and migrants passing through the country.

It is essential that people know methods employed by criminals to engage and subdue their victims, among which are: social networks; by falling in love; employment promises; friendship or marriage; as well as the production and pornographic material consumption.

Also must attack causes of this social scourge as poverty, social exclusion, gender inequality, and lack of opportunities to study or work with dignity.

Through Against Human Trafficking Program, the

National Commission conducts training courses for public servants and representatives of civil society, who not only acquire commitment to spread this knowledge to population, but also acquire tools to provide victims' better protection, to protect their human rights and more effectively prosecute crime.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_326.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_326.pdf)

## INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

**CGCP/327/12**

*December 2<sup>nd</sup>, 2012*

In 1992, the General Assembly of the United Nations declared December 3 *International Day of Persons with Disabilities*, through resolution 47/3.

Subsequently, with the resolution 47/88, the Assembly called upon States party, so that while commemorating with emphasis on consciousness shift need in regard to persons with disabilities.

Therefore, is intended to pay special attention

to issues related to persons with disabilities and to promote understanding, empathy, decent treatment and, above all, recognition and respect for persons with disabilities' rights, as well as their full participation and inclusion in political, cultural and economic life of our country.

In response, the CNDH created the **General Direction of Attention to Disability within the First General Visitorship**, in order to look after the implementation of the Convention on Rights of Persons with Disabilities.

It has also opened two unique projects in Latin America: Conducting career of "University Superior Technician in Inclusion of Persons with Disabilities", together with the Technological University of Santa Catarina in Nuevo León; and the creation of first municipality hundred percent inclusive in the world, in development and in collaboration with the government of Tizayuca and the National Network for disability prevention.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_327.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_327.pdf)



## FULL ATTENTION TO OLDER PERSONS

### CGCP/328/12

December 3<sup>rd</sup>, 2012

The CNDH considers essential to know and respect human rights of 60 years old people and over, among them, right to food, to the 10.1 million Mexicans in this age range, with opportunity to a dignified and healthy life.

Access to food is a human right that is closely related to the main one, right to life; therefore the State must guarantee this right to the entire population, mainly to those who find themselves in vulnerable situation, such as older adults.

From January to July of this year, the National Commission handled 309 alleged violations complaints of their fundamental rights.

The main reasons were: negligence and inadequate medical care, and lack of medicines supply, pension's non-payment and obstruction in social security benefits granting.

The CNDH recognizes older adults' experience in our society and reaffirms its commitment with the defense of their human rights, so it offers toll free phone 01 800 715 2000 and 56 31 00 40 extension number 2305, and website

[www.cndh.org.mx](http://www.cndh.org.mx), where you can ask for guidance or file complaints when these rights are violated.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_328.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_328.pdf)

## TASKS AND PREVENTIVE ACTIONS AGAINST SOCIAL INEQUALITY

### CGCP/329/12

December 5<sup>th</sup>, 2012

Given discrimination and violence conditions in many women lives, due to cultural patterns involving submission, the CNDH intensifies their actions to achieve equality between women and men.

Sensitizes public servants in equality issues, to perform preventive tasks and promote social actions against subjugation experienced by some women due to their economic

situation, their ethnic belonging or by lack of studies, among others.

The National Commission has risen, in different forums, through the **Women's Affairs and Equality between Women and Men Program** the need to join efforts to demand that existing rights accumulation can be translated into reality.

It is urgent to address problems faced by women, linked with discrimination and violence within family as well as in education, health and labor fields,

in order to eliminate any kind of injustice that hinders their welfare and development.

The CNDH reaffirms its commitment to protect women and men rights to achieve gender equality.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_329.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_329.pdf)

## HUMAN RIGHTS FOR INDIGENOUS YOUNG PEOPLE

### CGCP/330/12

December 6<sup>th</sup>, 2012

The National Human Rights Commission (spanish initials – CNDH) raised the need to analyze situation, conflicts, and demands of Mexican indigenous youth in order to improve living conditions in present, during Forum **"Human Rights of Indigenous Youth"**, organized by this autonomous public Organism and that was held in Creel, Bocoyna, Chihuahua.

Where, it was proposed to revise indigenous youth reality in Mexico, in order to resize the

importance of its participation in labor, professional, social fields and in maintenance and recreation of indigenous cultures, in order to recognize perspectives, demands and needs of these young people about own indigenous culture importance.

Specialists, invited by the CNDH stated that new relationship success between State and indigenous peoples is based on knowledge and challenges facing indigenous youth, which represents 30 percent of bilingual indigenous language and spanish population, of which 48 percent are

male and 52 percent are women.

The CNDH will continue working with indigenous communities, since it considers the extent to which the government and the citizens known and respect these people's rights, it will be possible to consolidate an equitable society which gives all its members with equal opportunities for development.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_330.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_330.pdf)

**CNDH INCREASES TRAINING ACTIVITIES****CGCP/331/12***December 8<sup>th</sup>, 2012*

The CNDH's aims are protection, enforcement, promotion, study and dissemination of human rights provided by the Mexican legal system. Therefore, between their primary activities is training in human rights.

During the first eleven months of 2012 carried out 5,207 training activities on human rights throughout the country, which exceeded in more than 400 percent actions taken during same period in 2009, and benefited 642 thou-

sand 888 people who attended various offered courses.

The ten entities that developed in as many training activities were: Federal District with 926; Hidalgo, 875; Tabasco, 501; Morelos, 348; State of México, 355; Puebla, 239; Michoacán, 202; Oaxaca, 193; Baja California, 184; and Querétaro with 128 actions.

Among courses topics developed includes: journalists' rights and expression freedom; legal implications by acts that violate human rights; specific cases in which some authorities have been involved in al-

leged these rights violations and code of conduct for law enforcement officials. In addition, basic principles on firearms use and force use; arrest and torture prevention; armed forces and human rights, police rights and duties; attention to crime victims; legal principles applicable to detainees and in prison.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_331.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_331.pdf)

**HUMAN RIGHTS DAY****CGCP/332/12***December 9<sup>th</sup>, 2012*

The CNDH believes that human rights promotion, protection and defense are priority activities to consolidate an equitable, respectful, supportive and inclusive society.

As we celebrate the *Human Rights Day*, it is essential reflection on the need to strengthen educational activities in our country, in order that society can live and develop in an en-

vironment of peace, harmony and adherence to law, which fosters respect for people's dignity.

At the same time, it must be boosted between children, youth, adults and older adults duties knowledge and adhering importance to contribute to a legality culture consolidation to which we all aspire.

It is very important to remember that on December 10, 1948; the General As-

sembly of the United Nations adopted the Universal Declaration of Human Rights.

Two years later, invited Member States to consider December 10, *Human Rights Day*, to keep in mind, with this, that detriments and abuses suffered by the humanity have no place in a society where respect must prevail for person's dignity.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_332.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_332.pdf)

**CNDH AWARD\$ FATHER ALEJANDRO SOLALINDE****CGCP/333/12***December 10<sup>th</sup>, 2012*

The presbyter José Alejandro Solalinde Guerra, received the National Human Rights Award 2012 granted by the CNDH, for his outstanding trajectory and ongoing commitment to promotion and defense of migrants human rights.

Recognition was given by the president of the Republic, Enrique Peña Nieto

and the national Ombudsman Raúl Plascencia Villanueva, during a ceremony held at the Adolfo López Mateos Hall of Los Pinos official residence.

The national Ombudsman recognized his capacity and fortitude with which carries out his work father Alejandro Solalinde, who has committed his life to protection and defense of migrants who pass through our country hoping to find better conditions for survival. Meanwhile, priest

Alejandro Solalinde Guerra pointed out that it must be a big change of governance structure, where authority must listen and stay close to people and having as its main axis respect for human rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_333.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_333.pdf)



## A YEAR FROM AYOTZINAPA CONFLICT, RECOMMENDATION HAS NOT BEEN COMPLIED

**CGCP/334/12**

December 11<sup>th</sup>, 2012

The CNDH reported lack of compliance with certain points of Recommendation 1VG/2012, a year after violent events in Chilpancingo, Guerrero, concerning to conflict in Normal Rural School "Raúl Isidro Burgos", in Ayotzinapa.

Given these unfortunate events, the National Commission opened an investigation which concluded on March 27 this year with above Recommendation 1VG/2012, composed of 30 specific points:

13 of these were addressed jointly to holder of Public Safety Secretariat and Constitutional Governor of Guerrero State, and particularly four and 11 recommendations, to each of them respectively, through which it is intended to compensate crime victims and power abuse from fundamental rights that were violated.

This national autonomous Organism also addressed two recommendations to Chairman of the Board of the LIX Legislature of the Honorable Congress of the State of Guerrero, in order to establish an im-

peachment against two former state government civil servants.

The National Commission, after an exhaustive investigation, considers that sufficient evidence exists to administratively punish former Attorney General and former Secretary of Public Safety and Civil Protection of the State of Guerrero, for having committed serious human rights violations, elevated to constitutional status in 2011.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_334.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_334.pdf)

## INADEQUATE ATTENTION TO CRIME VICTIM

**CGCP/335/12**

December 12<sup>th</sup>, 2012

The CNDH issued Recommendation 78/2012, addressed to the Government of the State of Guerrero, for a citizen's rights violations to legality, integrity, legal and personal security, by omissions attributable to public servants from Attorney General's Office of the entity, who, denied a timely and adequate protection as a crime victim.

This is the case of a citizen who was with some friends at the sport center "El Olímpico" in Plan de Ayala's neighborhood in Cuernavaca, Morelos, where he was deprived of his liberty.

Two days later, policemen in Chilpancingo, Guerrero, found him in a street, with hands and feet tied.

Victim asked for support in

order to lodged facts allegation, so they transfer him to the Public Ministry Agency of Ordinary Law of Judicial District of Los Bravo in Chilpancingo, Guerrero.

He contacted his relatives, whom upon reaching the cited Agency a Ministry agent informed them that the aggrieved had been there, but had left two hours earlier, without knowing exactly when and unaccounted for; indicated that he didn't file a complaint, nor did any statement.

Five months after his disappearance, victim's death body was located near General Hospital "Raymundo Abarca Alarcón" belonging to the Health Secretariat, in Chilpancingo, were identified as causes of his death: fracture's skull vault and base, with consecutive traumatic brain injury caused

by single bullet firearm shot piercing his skull and face.

The CNDH noted that victim remained at agency premises at least three hours without receiving attention from a public servant; plus nobody provide him with any protection, medical and psychological care. In addition his relatives were victims of inhumane treatment.

For this reason, in its Recommendation 78/2012, the CNDH requested the Government of Guerrero, to repair damage to victim's family, on the occasion of institutional responsibility incurred by unit's personnel. Full text of this recommendation may be consulted in the page [www.cndh.org.mx](http://www.cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_335.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_335.pdf)

## TRAINING PUBLIC SERVANTS TO COMBAT HUMAN TRAFFICKING

**CGCP/336/12**

December 13<sup>th</sup>, 2012

The CNDH, through its **Program Against Human Trafficking**, increased its combat efforts in corruption and impunity, main roots of this crime, linked, in many occasions, with migratory flows, poverty and organized crime.

Among other tasks, the CNDH develops training activities for public servants and civil society representatives' organizations,

which acquire commitment to bring that knowledge to population.

In this regard, the autonomous public Organism in coordination with the State Human Rights Commission of Durango, took place in state capital, training workshop for those imparting justice "Preliminary Inquiry Integration in Human Trafficking Matter".

Training was offered to personnel of the entity Attorney General's Office, mainly public min-

istry agents, police investigators and expert appraisers.

Among issues addressed at workshop, highlights, associated with applicable legal framework for proper and efficient duties performance to combat human trafficking: offenders' prosecution and protection to crime victims.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_336.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_336.pdf)

### JOINT EFFORTS IN FAVOR OF INDIGENOUS PEOPLES AND COMMUNITIES, RPV

**CGCP/337/12**

*December 14<sup>th</sup>, 2012*

The National Ombudsman, Raúl Plascencia Villanueva, convened society to join efforts in favor of indigenous peoples and communities.

During collaboration agreements signing, between the CNDH and Institute for the Mayan Culture Development of Yucatan State (spanish initials – INDEMAYA), commented that agreements will contribute to strengthen Yucatan people's rights Mayan speakers and preserve Mayan linguistic families,

its associations and variants, as they form part of our cultural heritage and our national identity.

Before Institute's general director, Beatriz Gamboa Solís, with whom he signed the conventions; Raúl Plascencia explained that from that moment it may implement information, training, education and promotion programs, to strengthen human rights' development of indigenous Mayan Language Speakers in México.

He said that the CNDH and INDEMAYA will encourage Maya people participation in the construction of a comprehensive

public policy and cross-sectional database in their worldview and with gender perspective to the full exercise of their rights.

Beatriz Gamboa Solís thanked the National Commission's collaboration on these purposes and handed over to national Ombudsman a series of campaigns to translated Mayan language on crime's prevention human trafficking with persons in indigenous peoples, which disseminate the CNDH.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_337.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_337.pdf)

### STRENGTHEN PROGRAMS FOR THE BENEFIT OF WOMEN

**CGCP/338/12**

*December 15<sup>th</sup>, 2012*

The CNDH, through the **Program of Women's Affairs and of Equality between Women and Men** (Spanish initials – PAMIMH), drives promotion and defense of women human rights in order to eradicating cultural factors of submission, violence, inequality and injustice purpose that hinders its welfare and development.

It is necessary that public institutions to carry out effective programs to eliminate any discrimination sign in recruitment, remuneration and promotion, as well as inflexible labor conditions detrimental to women.

From January to November this year, the CNDH conducted 331 awareness activities throughout the country, and distributed more than 40 thousand printed materials pieces

such as posters, flyers, primers and books' spacers.

This national autonomous Organism reiterates its commitment to continue working for women to enjoy freedoms and rights under law and that can develop in a society with equal opportunities.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_338.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_338.pdf)

### PROTECTION TO CRIME VICTIMS

**CGCP/339/12**

*December 16<sup>th</sup>, 2012*

To the CNDH protection of crime victims' rights represents a constitutional guarantee and a genuine expression of solidarity that State authorities owe to all those who have suffered damage by illegal actions.

The National Victimization Survey 2012 conducted by the National Institute of Statistics and Geography (spanish initials – INEGI),

points out that 24.5 percent of the population over 18 years was a crime victim during 2011.

In regard to criminal prevalence in households, it is estimated that 30.6 percent had at least one victim, in that period.

Against this scene, the CNDH create, more than 10 years ago, the **Program for Care of Crime Victims** (spanish initials – PROVÍCTIMA), through which addresses tasks related

to the promotion, protection and dissemination of respect for their rights.

PROVÍCTIMA drives establishment of a regulatory framework that seeks rights' victims protection in order that they be given a fair and dignified treatment, and can calmly access to criminal justice systems, health protection and social assistance.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_339.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_339.pdf)

## PROMOTE MIGRANTS' DIGNIFIED TREATMENT

**CGCP/340/12**

December 17<sup>th</sup>, 2012

For the National Human Rights Commission it is necessary to promote humane treatment to migrants and eradicate xenophobic, racist attitudes and other forms of discrimination.

In commemoration of the International Migrants Day, the CNDH noted that a person's immigration status, shouldn't hinder enjoyment of his/hers most basic rights recognized in national laws and international treaties.

Therefore, public policies should be redirect in order that mi-

grants passing through the country gain effective access to their human rights, such as health, education, identity, right to justice and public safety among others.

From January 1 to November 30, 2012, the CNDH carried out 259 thousand visits to migratory stations in which 34 thousand 115 people were assisted and there were six thousand 511 representations on behalf of migrants, before competent authorities.

The coverage was supplemented with 422 visits to places dependent to a different migration authority, in which were treated five thousand 639 people, and 216 visits to migrants'

transit places, such as public squares or railway tracks where 13 thousand 907 people were assisted.

Likewise have been conducted 539 visits to homes or shelters for migrants, in which attention was provided to 19 thousand and 50 people.

The CNDH provides attention to migrants at phones 01 800 715 2000 in México and 1888 889 7080 in the United States. For more information you may consult page [www.cndh.org.mx](http://www.cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_340.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_340.pdf)

## ENSURE MINORS ACCESS TO MEDICAL SERVICES

**CGCP/341/12**

December 18<sup>th</sup>, 2012

The CNDH believes population quality health services access is essential to contribute to human rights' consolidation in our country.

Health protection is a right established in the Universal Declaration of Human Rights that, in its article 25 refers to fact that everyone, without distinction of any kind, has right to an adequate living standard enabling he/she and his/hers family conditions to maintain and take care of his/hers health, such as access to medical services.

The fourth article of the Politi-

cal Constitution of the United Mexican States guarantees this right and emphasizes in childhood, as indicated in article 28 of the *Ley para la protección de los derechos de niñas, niños y adolescentes*; stresses that the three government levels must work together to guarantee this minors' right.

This national autonomous Organism, through the **Program of Childhood and Family Affairs**, promotes among minors, parents, public servants and society in general, girls and boys human rights from a gender perspective and that childhood represents major interest, in order to foster a culture of knowledge and respect for these rights.

From 2005 to date, the National Commission has received more than 27 thousand alleged violations' complaints to population's health right, an average of three thousand 857 annual complaints and 325 per month.

For the CNDH, girls and boys must be enjoying fully their human rights, as well as adults, without any discrimination due to his/hers age or gender, which constantly works to contribute to this goal.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_341.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_341.pdf)

## COMMIT NOT ONLY WITH THE RIGHTS; ALSO WITH THE DUTIES

**CGCP/342/12**

December 19<sup>th</sup>, 2012

The president of the National Human Rights Commission, Raúl Plascencia Villanueva, granted awards to winners of the National Songs Contest "Music for my Human Rights" organized by the CNDH.

At the ceremony, the national Ombudsman pointed out that if we want to have a better country, we must begin to passed on to children, from life's first months, love, support, solidarity, tolerance,

rights' respect and duties.

He invited Mexican people to commit themselves not only in promotion and dissemination of human rights culture's defense, but also in obligations fulfillment.

The competition aim, he said, to foster among childhood and Mexican youth a culture of respect for human rights and to promote citizenship participation through artistic music expression.

Jury reviewed songs to analyze creativity, letter originality

and the message that will help to encourage human rights culture.

Subsequently, the national Ombudsman led the ceremony and stressed that this first contest will leave a very clear footprint due that the CNDH will use these materials as ideas for national human rights campaigns on radio and television.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_342.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_342.pdf)

**CNDH SUPERVISES PAISANO'S PROGRAM, WINTER 2012****CGCP/343/12***December 19<sup>th</sup>, 2012*

The National Human Rights Commission supervises implementation of Paisano's Operation Winter 2012.

Since last November first maintains presence in airports, international bridges, customs, checkpoints, bus stations and in main internment points in northern border.

Until January 7, 2013 the CNDH personnel will monitor authorities comply their

obligation to provide quality services and adherence to law; in different attention points will delivered printed material about their rights; will provide guidance, advice and assistance in presenting testimony and complaints.

In special modules with posters alluding to Paisano Program, CNDH representatives particularly noted that all authority of the three orders of government fulfill its role preventing abuse, extortion, theft, corruption and arrogance against Mexicans returning to our country.

Similarly, 15 foreign offices personnel of this National Commission are conducting outreach and promotion tasks of activities and functions that institution is responsible for. In order to request information and legal advice from any part of the country, the CNDH offers citizens toll free number 01800 715 2000 and email [migrantes@cndh.org.mx](mailto:migrantes@cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_343.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_343.pdf)

**IMPROVE ATENTION OF OLDER PERSONS****CGCP/344/12***December 20<sup>th</sup>, 2012*

Given Mexican population's aging, the National Human Rights Commission emphasizes generating social and institutional responses importance to address present and future challenges of demographic transformation in our country.

Unfortunately, there is still inequality between women and men of all ages and

older adults turn into beings of enormous vulnerability.

Therefore, the CNDH edited a brochure, **Older Women and Human Rights**, which emphasizes the importance of public policies to have a gender perspective that contributes to build a society in which older adults women and men have same value, be equally respected in their rights and provide them oppor-

tunities under equity conditions.

Main problems facing older women are: violence against women, lack of job opportunities, discrimination, abuse and access' lack to health services.

The Primer, **Older Women and Human Rights**, can be consulted at National Commission's website.

<http://www.cndh.org.mx/sites/all/fuentes/documentos/cartillas/6%20cartilla%20mujeres%20adultas%20mayores%20DH.pdf>.

<http://www.cndh.org.mx/sites/all/fuentes/documentos/>

**STRENGTHEN PROGRAMS TO ENSURE EDUCATION FOR INDIGENOUS CHILDREN****CGCP/345/12***December 21<sup>st</sup>, 2012*

The National Human Rights Commission considers necessary that Mexican State authorities to strengthen public policies and programs targeted to ensure indigenous children right to quality, bilingual and intercultural education and in appropriate facilities, with aim of improving opportunities developing with dignity and cultural belonging.

It should further progress in this matter to provide access to all indigenous girls

and boys to this right, in order to eliminate other factors that commonly characterize these communities and contributing to their lag such as poverty, marginalization and discrimination.

For the CNDH it is important to disseminate knowledge of indigenous peoples' human rights; hence, through **Program for Promotion and Dissemination of Indigenous Peoples Human Rights and Communities** performs actions aimed at promoting and protecting rights of this important Mexicans sector.

This national autonomous Organism reaffirms its commitment to indigenous communities to continue defending and spreading their rights, such as relevant, bilingual and intercultural education, to be known and thus contribute to a culture fostering of respect for the rights of this population that is in serious situation of vulnerability.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_345.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_345.pdf)





## MUNICIPAL PRESIDENT ORDER TO DETAIN AND STRIKE THEIR NEIGHBORS

**CGCP/346/12**

December 22<sup>nd</sup>, 2012

The CNDH opened Recommendation 79/2012, addressed to City Hall of Tlaltizapán, Morelos, due that municipal president overstepped his functions and affected his neighbors' human rights.

The public server ordered his bodyguards, belonging to the Municipal Secretariat of Public Safety and Traffic, to detain and strike two of his neighbors, because they dared to ask the removal

of patrols from blocking their house entrance, who were trying to park their vehicle.

Those affected lodged complaint before the Human Rights Commission of the State of Morelos, once facts were investigated, addressed recommendation to City Hall members of Tlaltizapán and Municipal President, who expressed his non-acceptance arguing lacked of substantiation and motivation.

The aggrieved asserted their impugnation appeal negative, so that the CNDH retook the

case; after analyzing it, considered founded the determination of state Ombudsman.

He agreed that human rights were violated to legality, legal certainty and integrity and victims' personal safety, by acts consisting in public force arbitrarily use, torture, and cruel, inhuman or degrading treatment, attributable to civil servants at the aforementioned City Hall.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_346.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_346.pdf)

## CNDH RECEIVES MORE THAN 800 ATTACKS' COMPLAINTS TO JOURNALISTS

**CGCP/347/12**

December 23<sup>rd</sup>, 2012

From 2000 to November 2012, the CNDH has received 807 detriments' complaints to journalists and, since 2005 has recorded 82 homicides and 18 disappearances to communicators. In the past five years, it has investigated 28 attacks at media facilities.

This autonomous public Organism is particularly concerned about attacks to communicators, which in addition to violating their human rights; infringe population's right to be properly informed. Considered

high risk labor the one performed by journalists and communicators, due to severely increase in complaints and attacks against them.

Authorities allegedly responsible, with important complaints number are: Attorney General's Office of the Republic, Secretariat of Public Safety, the Secretariat of National Defense and the Attorney General's offices of Veracruz and Oaxaca.

Five entities where journalists' major detriments number in this period were: Federal District, Veracruz, Oaxaca, Chiapas and the State of México.

Upon this situation, the CNDH has urged federal and local authorities act promptly and expeditiously, in order to prevent this nature's further acts committing, which are opposing to exercise expression freedom, which is enshrined in the Constitution, and that is an essential factor to rule of law observance and democratic regime.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_347.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_347.pdf)

## CNDH'S DOCUMENTATION CENTER AND LIBRARY

**CGCP/348/12**

December 24<sup>th</sup>, 2012

The Library and Documentation Center aims are focused to promote wealth of documentary enrichment, currently composed of 42 thousand 475 volumes, through acquisition of specialized material in human rights and related topics, and through publications exchange with national and international organisms.

Also, in our library users are assisted to have access to book collection in order to satisfy information needs in activities inherent to study, teaching, research and dissemination of human rights.

This year, one thousand 454 users were attended; also, was accounted a total of four thousand 173 library's database queries and 10 thousand 631 online catalog enquires.

This Center aims to contribute to establishment and subscription cooperation agreements and publications exchange with specialized human rights matters libraries organisms; in present year, 17 interlibrary loan agreements were signed.

It also has an automated catalog available at the CNDH website, which is located at link <http://www.cndh.org.mx/Biblioteca>. Through this access, users can locate materials of interest.

Schedule service to general public is from 9:00 am to 18:00 p.m. Monday to Friday and its facilities are located at Río Magdalena No. 108, Colonia Tizapán, Delegación Álvaro Obregón, C. P. 01090, México, D. F.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_348.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_348.pdf)

**MORE EFFORTS TO AVOID MIGRANTS' DISCRIMINATION****CGCP/349/12***December 25<sup>th</sup>, 2012*

The CNDH believes Mexican State must intensify its efforts to ensure all migrant workers and their families to be treated without discrimination. To fulfill this purpose, it is necessary to promote awareness campaigns addressed to immigration area's officials and public in general, including media.

Following up Recommendation No. 1 addressed to the Mexican State, after first Universal Periodic Review, by Human Rights Council's Mechanism,

in February 2009, in sense that they should continue promoting the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the CNDH has issued the newsletter entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and its Monitoring Mechanism".

For the National Commission it is important that in current debate on labor laws and policies, both authorities and migrants themselves, consider that lack of immigration docu-

ments not suppresses rights' people have.

The newsletter "International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and its Monitoring Mechanism", can be found on page [www.cndh.org.mx](http://www.cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_349.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_349.pdf)

**CITIZEN ARBITRARY ARRESTED BY MICHOACAN'S MUNICIPAL POLICE****CGCP/350/12***December 26<sup>th</sup>, 2012*

The National Human Rights Commission issued Recommendation 87/2012, addressed to City Hall members of Indaparapeo, Michoacán, due to abuses committed by municipal police elements in citizen's detriment.

This is case of a man driving his vehicle bound for Indaparapeo and being followed by a unit driven by municipal police elements; as reaching his destination, he parked and asked security elements if anything happened.

Two police officers descended from the official vehicle, pointed against him a firearm, stripped his portfolio and beat him in head and mouth; forced

him to get out of vehicle, put him in ground and continued beating.

Later, he was transferred to Indaparapeo's municipal presidency, asked him to leave their belongings and was took to municipal jail where stayed few hours.

He was released after being forced to pay a fine of two hundred pesos, without been notified about neither reason for the arrest nor for the fine.

While delivering his belongings, they omitted giving back 800 pesos he was carrying, 3 credit cards and voter ID.

The victim filed a complaint with State Human Rights Commission of Michoacán, which analyzed the case and issued Recom-

mendation number 119/2011, which was not accepted and victim's wife, authorized, lodged impugnation appeal referred to the National Commission, after analyzing evidence's integrated file set determined that human rights violations to legality, legal certainty and integrity and person's security, to victim's detriment, attributable to the former president and current president of Indaparapeo's municipality for lack response and consequent acceptance refusal to recommendation issued by the State Human Rights Commission of Michoacán. Recommendation 87 can be found at [www.cndh.org.mx](http://www.cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_350.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_350.pdf)

## DISAPPEARS CITIZEN ARRESTED BY MUNICIPAL AND MINISTERIAL

**CGCP/351/12**

*December 27<sup>th</sup>, 2012*

The National Human Rights Commission issued Recommendation 55/2012, addressed to the government of Nuevo León and City Hall of San Pedro Garza García, in that entity, by a victim of forced disappearance.

Citizen's case, in which to date has been missing, was arbitrarily detained and unlawfully deprived of his liberty by Municipal Safety Secretariat's elements, first and subsequently by members of the State Agency for Research of Attorney General's Office of the state.

The National Commission sought evidence proving both ministerial agents in question, as his superior, had information about victim's status, days after

his disappearance.

His relatives and lawyer stated that, by asking to those authorities information regarding victim's status, three days after his disappearance, indicated to remain in calm due that the young man was okay, but his situation was pending to be solved.

Thus, from set of evidence analysis, the National Commission confirmed policemen behavior configured human rights violations to personal freedom, life, integrity and personal safety, decent treatment, legality and legal certainty, by facts consisting of victim's arbitrary detention and forced disappearance; it also affected rights to humane treatment of at least six of his relatives.

For this reason, the CNDH in its Recommendation 55/2012

requests the Government of Nuevo León, among other actions, an effective performed search, in order to achieve victim's immediate localization and introduction; damage repair, as well as provide impetus and follow-up to initiatives analysis on enforced disappearance define crime in the State of Nuevo León legislation, which are under consideration in the State Legislature. The Recommendation 55/2012 can be found on website [www.cndh.org.mx](http://www.cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_351.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_351.pdf)

## THE CNDH EDITED MORE THAN 5.7 MILLION TEXTS IN 2012

**CGCP/352/12**

*December 28<sup>th</sup>, 2012*

In order to promote culture of knowledge and respect for human rights and guarantees, in 2012 the CNDH editorial production reached five million 790 thousand 900 copies of books, pamphlets, newsletters, posters and compact discs.

Through its National Center for Human Rights and Directorate of Publications, this autonomous public organism conducts an open free distribution process of works, with the aim of bringing human rights knowledge to society.

Recurrent and non-recurrent publications, publicize various activities of this autonomous public Organism; covering topics such as family, child, migrants, persons imprisonment, mental disorders, persons with disabilities, women, older persons, indigenous people, persons with HIV/AIDS, crimes' victims and human trafficking.

Also, matters closely concerning with international human rights instruments that have been ratified by México and internal regulations governing this National Organism, updated publication of the Political Constitution of the United Mexican States, la Gaceta, CNDH

official publication and the Human Rights México magazine, which gathers feature specialized articles about various topics related to aforementioned rights.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_352.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_352.pdf)

**OLDER ADULT DIES AT ISSSTE BY INADEQUATE MEDICAL CARE****CGCP/353/12***December 29<sup>th</sup>, 2012*

The CNDH issued Recommendation 63/2012, addressed to State's Employees' Social Security and Social Services Institute (spanish initials – ISSSTE), General Director, concerning to a 67-year-old patient's death case, as a result of an inadequate attention by doctors attached to Institute's Hospital Clinic in Zitácuaro, Michoacán.

The woman was admitted at hospital emergency area, where physicians staff did not provide required care according to her clinical record of systemic arterial hypertension, diabetes mellitus type II, and elevated glucose, besides not verifying that should be examined immediately by internal medicine and intensive care staff and been practiced appropriate laboratory studies.

In addition there was neglect situation of patient

abandonment involving her health deteriorated.

Her family reported she was provided with various medications, but next day, a doctor informed them that patient's health state was delicate and it was necessary to transfer to another hospital for attention.

In spite of that, victim was in progress of a medical emergency, ambulance transfer was conducted without doctor's presence who was going to monitor her health and give attention, just as happened, due that during journey presented cardiorespiratory impact to a level that led her to death.

After investigating the case, this autonomous national Organism noted human rights violations, to life protection and health, attributable to aforementioned hospital's four doctors.

Drew National Commission's attention, the fact

that record notes were illegible, without chronological order, lacked full name, title, rank, tuition and physicians' specialty that assisted her, hindering identification.

Therefore, the National Commission requests ISSSTE's Director, in its Recommendation 63/2012, among other actions, damage repair caused to victim's family due to institutional responsibility incurred by staff, and cooperate fully in process and follow-up to CNDH complaint that will formulate before Institute's internal control Organ and reporting facts filed with the Attorney General's Office of the Republic in order to begin prior investigation in legal right.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_353.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_353.pdf)

**MUNICIPAL PRESIDENT DISLOGES WITH VIOLENCE TO HIS MOTHER****CGCP/354/12***December 29<sup>th</sup>, 2012*

The CNDH issued Recommendation 86/2012, addressed to members of the City Hall of San Jerónimo Zacualpan, Tlaxcala, for rights violations to mother and brother (sister) of then municipal president, who took part, with other four municipal police elements that support with violent eviction for a disputed land piece on property.

The public official, relying on his position, request to Zacualpan San Jerónimo, Santa Isabel, and San Damián Texoloc municipal police intervention, as well as state police in order to carry out, by force, dislodge his relatives from property.

By way facts were raised, one of victims, who stated to be property's owner where events occurred, lodged complaint with the State Human Rights Com-

mission of Tlaxcala, that by integrating file and after conducted investigations, determined there were human rights violations to legality, integrity and personal safety, as well as possession, so issued Recommendation 4/2012, addressed to City Hall members of San Jerónimo Zacualpan, Tlaxcala.

Commission's Executive Secretary was instructed to refer recommendation's certified copy to Attorney General of Justice of entity, in order to open prior investigation against municipal president and Municipal Police elements for crimes of abuse of authority, and those resulting.

Municipal president informed, through official document, recommendation's non-acceptance due to the fact that matter was dealt with family issues, so it was of other authority jurisdiction, not of State Human Rights Commission in Tlaxcala.

For this reason, one of the affected filed impugnation appeal, which was forwarded to the National Human Rights Commission that after legal analysis of case could prove human rights violations to two people detriment, attributable to the aforementioned municipal president and preventive police elements of this territorial demarcation.

For this reason, in its Recommendation 86/2012, the CNDH requests City Hall members of San Jerónimo Zacualpan, Tlaxcala, comply with Recommendation 4/2012 issued by the State Commission. Recommendation 86/2012 can be found on page [www.cndh.org.mx](http://www.cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_354.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_354.pdf)



## COMPLAINTS BY ATTACKS ON HUMAN RIGHTS DEFENDERS

**CGCP/355/12**

*December 31<sup>st</sup>, 2012*

The CNDH received in 2012's first eleven months, 50 complaints' total of committed assaults against human rights defenders.

In accordance to **Special Report on Human Rights Defenders' Situation in México**, published by the National Human Rights Commission on July 2011, in this institution and human rights' protective instances in México were recorded, from 2005 to May of 2011, 27 human rights

defenders' murder cases and counted eight disappearances.

Main facts presented in complaints received by the CNDH from 2005 to November 2012 were alleged right violations to legal security, integrity and personal safety; legality; freedom and proprietorship and possession. In this period, human rights violations committed against civil defenders, whose primary purpose is to consolidate a legality culture, occurred mainly in Chiapas, Federal District, Oaxaca, Chiuhuahua, and Puebla.

The CNDH believes it is public servants' duty of the three orders of government to provide prompt and professional attention to those who have been crime victims and clarify cases, in order to eradicate impunity and to strengthen Rule of Law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_355.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_355.pdf)

## ARTICLE OF THE MONTH

### Emerging Human Rights

José Ángel Rope

Within a few days we will commemorate one more year from that December 10, 1948 in which the General Assembly of the United Nations adopted and proclaimed in Paris the Universal Declaration of Human Rights, the founding document of a twentieth-century humanist ethics.

Its first words set with all solemnity that "freedom, justice and peace in the world are based on the recognition of the inherent dignity and of rights and equal and inalienable for all members of the human family", and in its 1st article encourages us all to behave in a spirit of brotherhood.

Human rights are the result of a historical process unfinished and ongoing transformation. The Universal Declaration has been developed and completed with International Covenants, Regional Charters and constitutions in constant progress towards a world in which all in all parties are and guaranteed its basic and essential right to welfare, as right integrator of all rights (civil, political and social), as a tool and as a means to provide all

people with basic skills for a life worth living.

And we cannot ignore the fact that poverty always appears as one of the most flagrant human rights' violations and that its eradication is the biggest problem facing world today and an indispensable condition of sustainable development, as has re-proclaiming the United Nations Conference (Rio de Janeiro, July 2012) in the document "The future we want".

And in this turbulent world in which we live in, many, many, people have become aware of their responsibility and from the own global civil society have raised their voices proclaiming a new citizen's participation concept and required answers to today's society problems. The result has been a Universal Declaration of Emerging Human Rights developed at the Universal Forum of Cultures (Barcelona 2004 and Monterrey 2007).

This Declaration inspired by the spirit and principles of the aforementioned 1948, aims to strengthen human rights' interdependence and integrity of men and women, joining the always unfinished historical process based

on values of dignity, freedom and equality of all human beings.

This Universal Declaration of Emerging Human Rights aspires and sits in a egalitarian democracy, plural, equal, participatory, supportive and provide guarantees. Proclaims the right for all to an existence in dignity and equality of rights conditions fully and effectively, stressing right and duty to eradicate hunger and extreme poverty.

The Universal Declaration of Emerging Human Rights is built from the various experiences, struggles and civil society voices in the world. And because another world is possible, another country is possible, another city is possible; this declaration must be a call to action, to feel responsible, a path to hope.

[http://ccaa.elpais.com/ccaa/2012/11/24/paisvasco/1353786096\\_470859.html](http://ccaa.elpais.com/ccaa/2012/11/24/paisvasco/1353786096_470859.html)



## BOOK OF THE MONTH

### Human Rights, Fundamental Rights, and Guarantees

Ana Elena Fierro

Publisher: Oxford University Press (Mex)  
Year of publication: 2012  
ISBN: 9786074262414  
Edition: 1  
Pages: 293

#### Summary

Constitutional reform in the field of human rights, adopted in June 2011, represents one of most important legislative acts of recent decades, it expands fundamental rights' catalog in México to incorporate in the Political Constitution of the United States Mexican human rights recognized in international

treaties that the country has signed.

This handbook allows us to know human rights, which are backbone of the state activity, as all authorities, in this area of competence, are obliged to promote, respect, protect and guarantee them, according with universality, interdependence, indivisibility and progressiveness principles.

After specify and differentiate what human rights consist of, fundamental rights and individual guarantees, through 33 case studies, 13 exercises and three activities rights to life, equality, freedom and security of legal, economic, social, cultural and environmental are analyzed.

It also describes national and international authorities and the legal instruments related to human rights. Include comparative tables of the constitutional reforms in the field of human rights and exercise a right.

The main objective is that students and legal professionals develop argumentation and negotiation skills that will enable them to meet the challenges of a world in constant and accelerating changes, by understanding complex problems and the search for innovative solutions in the area of fundamental rights and individual guarantees.

<https://www.porrúa.mx/pagina-interior.php?id=820279>

## RECOMMENDATIONS

### RECOMMENDATION 78/2012

**MATTER:** The case of Rights Violations of V1 as crime victim in the city of Chilpancingo, Guerrero

**RESPONSIBLE AUTHORITY:** Constitutional Governor of the State of Guerrero

*December 5<sup>th</sup>, 2012*

The National Human Rights Commission opened complaint file CNDH/1/2012/2075/Q, due to the case of a 20 years old man, V1, that was with a few friends at sports club "El Olímpico" in Plan de Ayala area of Cuernavaca, Morelos, where he was deprived of his freedom. Two days later, policemen in Chilpancingo, Guerrero, found him in a street, with hands and feet tied.

The victim asked for support in order to filed facts' allegation, therefore was transferred to Public Ministry of common jurisdiction of Judicial Bravo's District in Chilpancingo, Guerrero.

Subsequently, the victim notified his relatives by telephone who reported that was located at cited agency. A Public ministry

agent told them that victim was in good health, showing some bumps and not to worry was safe there.

Later, relatives arrived at the site but were received by Ministerial alleged elements, who pointed guns at them, while asking their presence's reason.

Once inside premises, public ministry agent explained that victim had been there but had left two hours earlier, not knowing exactly when and unaccounted for; indicated he hadn't submitted complaint, testified or any.

Five months after his disappearance, victim's body was located near General Hospital "Raymundo Abarca Alarcón" belonging to Health Secretariat, in Chilpancingo, identified as death causes: consecutive head trauma wound produced by single fired by firearm projectile, puncturing skull and face.

It is important to point out that as of this Recommendation's preparation date, research folder and two prior investigations, opened on occasion of facts are still

in integration; also, the CNDH had no record that any administrative proceeding had initiated regarding irregularities committed by public servants involved in these events, to V1's detriment and his family.

From legal analysis of evidence's body integrated into aforementioned file, this National Organism had elements that allowed to demonstrate rights violations to legality, legal certainty and therefore integrity and personal safety, for omissions that violated V1's rights, as crime victim, attributable to public servants of the Attorney General's Office of Guerrero state. On these bases, Recommendation 78/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_078.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_078.pdf)

**RECOMMENDATION 79/2012**

**MATTER:** About Impugnation Appeal of V1 and V2

**RESPONSIBLE AUTHORITIES:** Constitutional Council's Members of Tlaltizapán, Morelos

*December 17<sup>th</sup>, 2012*

The National Human Rights Commission initiated impugnation appeal CNDH/5/2011/292/RI, due that on January 15 and 26, 2010, V1 and V2, respectively, filed complaint with the Human Rights Commission of the State of Morelos, organism that, on May 23, 2011, opened complaint file 017/2010-1, and determined to issue recommendation addressed to municipal president and City Council members of Tlaltizapán Municipality in that federal entity, authorities that, in response, communicated their non-acceptance on 10 June, 2011.

Consequently, on July 28, 2011, V1 and V2 presented aforementioned impugnation appeal received at the National Commission on August 17 of that year.

In this regard, one demarche written and five by telephone, report provided in article's 65 first paragraph of the National Commission on Human Rights' Law was requested to city council of Tlaltizapán, Morelos, without that authority has addressed requests.

It should be noted facts were that on January 5, 2010, V1 and V2 were placed at disposal to agent of common jurisdiction's Public Ministry in Tlaltizapán, Morelos, by municipal police elements, who charged them consistent individuals' resistance, disobedience and threats, to AR1's detriment, that's why, opened prior investigation AP1.

An investigation of such conducts was not pursued because AR1 was not submitted to ratify his lawsuit; however, within investigation V1 and V2 denounced AR1 by injuries, threats and authority's abuse.

The same January 5, 2010, T1, T3 and one more person filed complaint by deceitful injuries and abuse of authority against AR1, during events related

to complaint, so prior investigation AP2 was opened, that, the 13th of that month and year accumulated to AP1, those recorded on December 19, 2011, before First Instance Criminal Judge of Fourth Judicial District in Morelos state, which gave rise to criminal case CP1, which is currently pending.

Now, of legal evidence's analysis that integrate impugnation appeal, this National Organism considers founded State Commission's determination, in sense that, in case, were violated human rights to law, legal certainty and integrity and personal safety, to V1's and V2 detriment, by violating acts consisting of public force arbitrarily use, torture, and cruel, inhuman or degrading treatment, attributable to public servants attached to City Hall of Tlaltizapán, Morelos. On these bases, Recommendation 79/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_079.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_079.pdf)

**RECOMMENDATION 80/2012**

**MATTER:** About Impugnation Appeal of V1 and V2

**RESPONSIBLE AUTHORITIES:** President of the Board of Directors of the Honorable Congress of Guerrero state and Constitutional City Hall members of Petatlán, Guerrero

*December 20<sup>th</sup>, 2012*

The National Human Rights Commission initiated impugnation appeal CNDH/5/2011/307/RI, due that on July 8, 2010, V1 lodged a complaint before the Commission for Defense of Human Rights of the state of Guerrero, regarding AR1 behavior, then Municipal Traffic Delegate of Petatlán Municipality, in that federal entity in which he stated that on February 14, 2010, at Petatlán municipality, suffered a car accident between a truck driven by himself, owned by his brother, and a vehicle allegedly owned by locality municipal DIF. For this reason municipal preventive police elements arrested him, without allowing him to talk about how the accident occurred, was transferred to po-

lice force cells, where V1 requested AR1 to notify the incident to the federal police, due that events took place in a federal road, or, to put him at disposal to the Public Ministry, without caring to public servers' about his request; likewise, AR1 ordered that truck's manned by V1 to be transfer to the cranes lot 1.

V1 adds that was examined by forensic physician of Municipal Traffic Delegation, who stated, in his opinion, that V1 was intoxicated, which was false. Next day, a bail of \$50,000 (fifty thousand pesos 00/100 M. N.) was set for his release, which was covered in two payments, one of \$20,000 (twenty thousand pesos 00/100 M. N.) which gave T1 and another of \$30,000 (thirty thousand pesos 00/100 M. N.) provided by T2, which were received by AR1, after which V1 was released; however, the vehicle continued at cranes lot.

Once the Commission for Defense of Human Rights in the state of Guerrero carried out investigations in the case, on December 6, 2010, addressed to City Hall members

of Petatlán, Recommendation 138/2010, which was answered by official communication from General Secretary of City Hall of Petatlán, Guerrero, who stated aforementioned recommendation content would be treated at next regular council meeting, but that signed document by no means represented an acceptance.

Therefore, V1 filed an impugnation appeal before the National Human Rights Commission, which after case legal evidence's analysis, upheld recommendation by the State Commission, in the sense that human rights were violated to legality and legal certainty, to V1's detriment, by violations consisting in omitting principle's exercise accurate application of law, to lack of legality, honesty, loyalty, fairness and effectiveness in functions' performance, jobs, positions or commissions, as well as omitting to base and cause on act of authority. On these bases, Recommendation 80/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_080.pdf%20](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_080.pdf%20)

## RECOMMENDATIONS

### RECOMMENDATION 81/2012

**MATTER:** About the case of improper justice's proxy in detriment of V1, V2, V3, V4, V5, V6, V7 and V8, inhabitants of purépecha indigenous community of Cherán, Michoacán

**RESPONSIBLE AUTHORITY:** Constitutional Governor of the State of Michoacán

*December 20<sup>th</sup>, 2012*

The National Human Rights Commission opened complaint file CNDH/4/2011/3871/Q, due to events occurred in municipality of Cherán, Michoacán, where on 15 April, 2011, between 06:00 and 07:00 hours, near the chapel "El Calvario", located at the *Barrio Tercero* of cited municipality, a group of town's inhabitants intercepted several vehicles transporting wood and detained five people. Hours later, two vans arrived to this town with fourteen individuals on board, who shot their firearms, causing injuries to V1.

By such facts, the Public

Ministry Agency in Cherán, Michoacán, opened prior investigation 1, which is under research.

On April 27 of that year, approximately at 08:00 a.m., a group of ejidatarios of the cited community, were victims of an armed attack when going to the Cerro "San Miguel", in which V2 and V3 lost their lives; this event is being researched at the Preliminary Inquiry 2, which is in integration.

On April 18, 2012, an armed group had deprived V4 and V5 lives, when working in area known as "El Huerto", so Prior Investigation 3 started, same which is being processed. On the same date, V8 was injured when was at El Puerto site, illicit being investigated by the Bilingual Public Ministry agent in Zamora, Michoacán, in Prior investigation 6, which is currently in process.

And on July 8, 2012, V6 and V7, were deprived of their liberty by a group of unknown people, facts on which agent of the Public

Ministry specialist assigned to Anti-kidnapping and Extortion Direction of the Attorney General's Office of the State of Michoacán, opened prior investigation 4 and 10 of same month and year, appeared death at El Pueblito community, Zacapu municipality, Michoacán, for which Prior Investigation 5 was settled, at agency of common jurisdiction's Public Ministry with headquarters in Cherán, Michoacán, which is still in integration.

Form legal evidence's analysis carried out in referred complaint file, this national body, noted violated human rights to legality and legal security as well as access to justice, attributable to public servants of the State of Michoacán, for not ensuring proper justice administration in detriment of V1, V2, V3, V4, V5, V6, V7 and V8. On these bases, Recommendation 81/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_081.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_081.pdf)

### RECOMMENDATION 82/2012

**MATTER:** About Impugnation Appeal of V1

**RESPONSIBLE AUTHORITIES:** President of the Board of Directors of the Honorable Congress of the State of Guerrero's LX legislature CC. Members of the City Hall of Florencio Villarreal, Guerrero

*December 20<sup>th</sup>, 2012*

The National Human Rights Commission opened impugnation appeal CNDH/4/2012/213/RI, due that on November 17, 2011, in the field located at Amado Nervo neighborhood, in Cruz Grande Guerrero community, V1's property, a group of people, including AR1, then municipal president of Florencio Villarreal, Guerrero, with heavy machinery tore down a barbed wire fence, were introduced to property and caused damage to it.

AR1 had instructed municipi-

pal works initiation that affected V1's property, who filed a complaint with the Commission for Defense of Human Rights of the State of Guerrero and once integrated complaint file determined rights' transgression to legal certainty and ownership or possession to V1's detriment, therefore on April 18, 2012 Recommendation 029/2012 was addressed to City Hall members of Florencio Villarreal, Guerrero, and was considered as not accepted by the aforementioned authority, by failing being pronounced at term set up.

In addition, at this Recommendation's issuance date no evidence that municipal authority designated as responsible, has accepted recommendation issued by the State Commission or repaired damage caused to victim. With regard to Prior investigation 1, initiated at Public Ministry Agency of Judicial District of Alende, Guerrero, on occasion of V1's complaint filed, was appropriated

on 15 November, 2012, before the Mixed Court of First Instance of the Judicial District pointed out, in which criminal charges were filed against AR1, settling criminal case 1, it is still pending.

Now, of legal analysis to integrated evidence's file to disagreement file submitted to the CNDH, it was noted that were violated human rights to legality, legal certainty and ownership or possession in V1's detriment, acts attributable to AR1, then president of the municipality of Florencio Villarreal, Guerrero. On these bases, Recommendation 82/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_082.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_082.pdf)



**RECOMMENDATION 83/2012**

**MATTER:** About Impugnation Appeal of V1

**RESPONSIBLE AUTHORITIES**

C. C. Members of the City Hall of Iliatenco, Guerrero

*December 20<sup>th</sup>, 2012*

The National Commission for Human Rights began impugnation appeal CNDH/1/2011/166/RI, due to the case of an 18 years old young man, V1, who on March 26, 2009 left his home located in the municipality of Iliatenco, Guerrero; approximately at 14:30, while walking at the municipal head, near the Technical High School "Ignacio Manuel Altamirano", he looked at various Preventive Police elements belonging to Directorate of Public Safety, Municipal Traffic and Civil Protection.

Subsequently, AR1, second Preventive Police Commander of Iliatenco's municipality indicated him to stop and to give his backpack, which he agreed.

V1 realized cited police element, introduced a plastic bag containing "green leaves and dry"; and how, and immediately showed other cops that content, ordering them to arrest him. After being beaten, AR1 and AR2 told him to run to the "river", and even the latter public servant pushed him in that direction; however, victim remained in detention.

The cited elements, shot him, wounding him in his left tibia; at this, AR3, also element of the aforementioned police corps, asked him to stand up, replaying that he couldn't,

as wound was bleeding profusely and had his foot "flipped and hanging".

Therefore, AR3 told V1 that will take him to the Health Center of Iliatenco, belonging to the Secretariat of Health of Guerrero, to receive medical attention; but not to tell anyone who wounded him.

The victim remained at cited health center overnight, being guarded by the Municipal Preventive Police; next day, his relatives T1 and T2 came to the place, and he described them how facts happened, determining for his transfer in a taxi to the General Hospital of Tlapa de Comonfort, in the aforementioned federal entity.

V1 added that the medical staff of the General Hospital of Tlapa de Comonfort, underwent surgery placing a plate in his tibia, but due the wound didn't healed normally, orthopedic material was exposed, causing inconvenience to walk so he stopped attending classes.

Accordingly, on August 12, 2009, V1 lodged complaint before the Commission for the Defense of Human Rights of the state of Guerrero. Once the local Organism conducted investigations on June 15, 2010 issued to the Recommendation 060/2010, addressed to the Municipal President, Trustee Attorney General and City Hall members of Iliatenco, Guerrero.

Recommendation was accepted by the municipal authorities, however, it wasn't fulfill, so V1 filed an impugnation appeal before the CNDH, this National

Organism conducted evidence's legal analysis integrating aforementioned file, noted rights violations to integrity, personal safety, legality and humane treatment, attributable to AR1, AR2 and AR3, elements of the Preventive Police belonging to the Directorate of Public Safety, Municipal Traffic and Civil Protection, of Iliatenco, Guerrero, in violation of V1. On these bases, Recommendation 83/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_083.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_083.pdf)

## RECOMMENDATIONS

### RECOMMENDATION 84/2012

**MATTER:** About impugnation appeal submitted by V1, V2 and V3

**RESPONSIBLE AUTHORITIES:** Members of the H. City Hall of Chilpancingo de los Bravos, Guerrero

*December 20<sup>th</sup>, 2012*

The National Human Rights Commission opened impugnation appeal CNDH/4/2012/270/RI, due that on February 28, March 2 and 10, 2011, V1, V2 and V3, lodged their complaints before the Commission for the Defense of Human Rights in the State of Guerrero. Victims stated that are members of civil organizations engaged in consumer products in general retail sales, which they sell in semi-fixed booths installed at the civic Plaza in the city of Chilpancingo, Guerrero, known as Zócalo (main square), due that since May 1997 an agreement with municipal authorities for this purpose has been signed, and they were aware of payments of "use and electrical energy" they requested.

On February 16, 25 and 27, 2011, AR1, then Director of Government and Political Affairs of the municipality of Chilpancingo de los Bravos, accompanied by AR2, then chief inspector of the Department of Public Thoroughfare, as well as AR3 and AR4 of the Municipal Preventive Police, who broke down and removed their semi-fixed booths, taking their merchandise, and, in some cases, cash or perishable products.

Adding they didn't show warrant, nor were notified if this action was derived as a procedure result that has been established to carry out eviction. Once complaint file was integrated, local Protector Organism of Human Rights, accredited rights' violation to legal security, legality, integrity and personal safety and to work; as well as to ideas expression freedom of human rights defenders, attributable to AR1, AR2, AR3 and AR4, therefore on June 13, 2011, issued Recommendation 066/2011, which was accepted, however authority didn't comply with this resolution. For this reason, on May 29, 2012, V1, V2 and V3,

through State Commission, lodged their disagreement with the CNDH, to which of the legal evidence's analysis integrated into the disagreement case, noted that human rights violations to legality and legal certainty, in detriment to V1, V2 and V3, attributed to AR1, AR2, AR3 and AR4, then Director of the Interior and Political Affairs, Chief Inspector of the Department of Public Thoroughfare and Municipal Preventive Police elements, respectively, of the City of Chilpancingo de los Bravos, for recommendation's breach issued by the Commission for the Defense of Human Rights of the State of Guerrero. On these bases, Recommendation 84/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_084.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_084.pdf)

### RECOMMENDATION 85/2012

**MATTER:** About Impugnation Appeal submitted by V1

**RESPONSIBLE AUTHORITIES:** Members of the H. City Hall of Martínez de la Torre, Veracruz

*December 20<sup>th</sup>, 2012*

The National Human Rights Commission opened impugnation appeal CNDH/6/2012/278/RI, due that on January 31, 2008, V1 lodged suit against AR1, City Hall members of Martínez de la Torre, Veracruz, for unjustified dismissal before the Court of Conciliation and Arbitration of the Judicial Branch of the state of Veracruz, in which sought payment of constitutional compensation, lost wages, accrued wages, holidays, vacation pay, bonuses and overtime pay; reason thus, labor trial 1 started.

On February 10, 2009, the corresponding verdict was issued, in which AR1 is condemned to pay benefits requested by V1.

Accordingly, on May 18, 2009, the Court of Conciliation and Arbitration of the state of Veracruz, ordered require AR1, abide by the decision rendered in labor trial. Therefore, on August 29, 2011, V1 lodged complaint with the Human Rights Commission of Veracruz, which warned from carried out investigations sufficient elements to determine facts narrated by V1, constitute human rights violations to work, legal security and access to justice promptly, thoroughly and impartially; for what on December 16 same year, local human rights organization, issued Recommendation 78/2011, addressed to SP1, sole trustee and legal representative of the City Hall of Martínez de la Torre, Veracruz.

Due that the authority did not comply with resolution, on June 11 same year, V1 lodged an impugnation appeal, referred to the National Commission, which after conducting legal evidence's analysis of the aforementioned file, counted with sufficient elements to determine human rights violations to legality, legal security, and access to justice, to detriment of V1, attributable to AR1, by lack of compliance of Recommendation 78/2011, issued by the local authority. On these bases, Recommendation 85/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_085.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_085.pdf)

### RECOMMENDATION 86/2012

**MATTER:** About Impugnation Appeal submitted by V1

**RESPONSIBLE AUTHORITIES:** Members of the H. City Hall of San Jerónimo Zacualpan, Tlaxcala

December 20<sup>th</sup>, 2012

The National Human Rights Commission opened impugnation appeal CNDH/6/2012/252/RI, due that on April 22, 2011, V1 arrived to the building where his brother AR1 was, who is the municipal president of San Jerónimo Zacualpan municipality, Tlaxcala, together with V2, mother of both.

AR1, arguing he owned the property and relying on public office he holds, requested intervention of AR2, AR3, AR4 and AR5, municipal police of San Jerónimo Zacualpan, Santa Isabel, and San Damián Texoloc, as well as

state police officers in order to evict property, through the use of public force, to V1 and V2.

Therefore, on May 6, 2011, V1 lodged complaint with the State Human Rights Commission of Tlaxcala, state Organism that after carrying out case investigations, cautioned sufficient elements to determine that facts narrated by V1 constitute human rights' violations to legality, integrity and personal safety, as well as to possession; by what on March 7, 2012 issued Recommendation 04/2012, addressed to City Hall members of San Jerónimo Zacualpan, Tlaxcala, which, on March 30, 2012 was unaccepted under the argument that the State Human Rights Commission in Tlaxcala lacked jurisdiction over this issue, since it dealt with conflicts between individuals as to the ownership of real property rights, as well that the local Organism inadequately evaluated testimonies

of T1, T2, T3 and V2.

Because of this, on June 27, 2012, V1 lodged impugnation appeal, which was submitted to the National Commission, which after conducting legal evidence's analysis of aforementioned file, noted human rights violations to legality; integrity and personal safety; legal security as well as to the property, committed in detriment of V1 and V2, attributable to AR1, municipal president of San Jerónimo Zacualpan, State of Tlaxcala; AR2, AR3, AR4 and AR5, municipal police in the same territorial demarcation, as well as other members of the city hall. Therefore Recommendation 86/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/rec\\_2012\\_086.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/rec_2012_086.pdf)

### RECOMMENDATION 87/2012

**MATTER:** About Q1's Impugnation Appeal

**RESPONSIBLE AUTHORITIES:** Members of the City Hall of Indaparapeo, Michoacán

December 21<sup>st</sup>, 2012

The National Human Rights Commission opened impugnation appeal CNDH/6/2012/244/RI, on occasion that on February 27, 2011, at approximately 23:00, V1, a 44 years old man, who was on his way to Indaparapeo, Michoacán, noticed that behind his vehicle was going a unit with police elements of the municipality.

When he reached his destination, parked the vehicle and asked security elements what was going on, so, two police officers descended from the official unit, and pointed him with a firearm, took his wallet and started beating him in head and mouth; also, forced him to get out of the vehicle, they placed him on the ground and continued beating him in different body's parts.

Subsequently, he was transferred to the municipal presidency of Indaparapeo, Michoacán; in admission place was requested to leave all their belongings, and while delivering, several police elements continued beating him in abdominal area and in head;

then was taken to city jail where he remained until 10:30 on February 28, 2011, released date after paying fine of \$200.00 (two hundred pesos, 00/100 M.N.), without being informed reason for his arrest, nor imposition of the fine. Also, when delivering his belongings, he realized the lack, among other things, of \$800.00 (eight hundred pesos 00/100 M.N.), 3 credit cards and voter registration card.

Therefore, on March 1, 2011, V1 lodged complaint before the Human Rights Commission of the State of Michoacán (Spanish initials – CEDHM), local organism after investigating found facts narrated by V1 constituted human rights' violations consistent in cruel, inhuman or degrading treatment or punishment; injuries; abuse of authority; unlawful deprivation of freedom, and theft, so, on October 13, 2011, issued a Recommendation number 119/2011, addressed to AR1, then municipal president of the City of Indaparapeo, Michoacán, which was notified on November 10, 2011.

On March 21, 2012, the Director of Guidance Legal Complaints and Follow-up of the CEDHM, realizing omission of response on authority's part determined that AR1 non-accept cited recommendation, and consequently requested that it will be published on that state organism website.

On June 1, 2012, V1 was notified about AR1's rejection to aforementioned Recommendation, that's why on July 2 same year Q1, V1's wife, lodged impugnation appeal, which was submitted to the National Commission.

In this regard, it is worth mentioning at drafting time of this Recommendation no actions intended by AR1, to initiate proceedings against administrative responsibilities to municipal police elements who participated in events complained of.

Now, from legal evidence's analysis of the mentioned file, this national organism observed human rights violations to legality, legal certainty and integrity and personal safety, to V1's detriment, attributable to the AR1 and AR2, former president and current president, of the municipality of Indaparapeo, Michoacán, due to lack of response and consequent acceptance refusal to Recommendation 119/2012 issued by the Human Rights Commission of the State of Michoacán. On these bases, Recommendation 87/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_087\\_0.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_087_0.pdf)

## RECOMMENDATIONS

### RECOMMENDATION 88/2012

**MATTER:** About Impugnation Appeal submitted by V1

**RESPONSIBLE AUTHORITIES:** Members of the City Hall of Manlio Fabio Altamirano, Veracruz

*December 21<sup>st</sup>, 2012*

The National Human Rights Commission opened impugnation appeal CNDH/6/2012/248/RI, due that on January 31, 2006, V1 lodged suit against AR1, City Hall members of Manlio Fabio Altamirano, Veracruz, for unjustified dismissal before the Court of Conciliation and Arbitration of the Judicial Branch of the State of Veracruz, in which sought payment of constitutional compensation, lost wages and bonuses; thus, labor trial 1 initiated.

On June 5, 2008, corresponding verdict was issued, in which AR1 is condemned to pay V1, constitutional compensation, lost wages, bonuses, overtime and worked Saturdays. Due to the aforementioned, on September 10, 2008, the Court of Conciliation and Arbitration of the State of Veracruz, ordered require to AR1, to abide by verdict rendered in labor trial 1, who to this Recommendation's drafting date have been omitted to comply.

Therefore, on June 27, 2011, V1 lodged complaint with the State Human Rights

Commission of Veracruz State Organism after investigations carried out V1's determined narrated events, constitute human rights violations to legality, legal security enforcement and justice administration; therefore, on March 7, 2012 issued Recommendation 07/2012, addressed to SP1, sole trustee and legal representative of the City Hall of Manlio Fabio Altamirano, Veracruz.

Subsequently, on April 13 this year SP1 reported City Hall could not fulfill the above Recommendation, arguing that amount to which he was sentenced in labor trial's 1 verdict, is not budgeted in fiscal year 2012. Under this, on May 25, 2012, V1 lodged impugnation appeal, which was submitted to this National Commission.

On October 25, 2012, staff of the National Commission held a telephone conversation with SP1, in which he stated, no action has been taken to comply with Recommendation 07/2012.

Now, from legal evidence's analysis integrating referred file, this national organism determined AR1 hasn't complied with Recommendation 07/2012, issued by local Organism that is to abide verdict rendered in labor trial 1, conduct that configures rights' violations to legality, legal certainty, and access to justice; and result contrary to provisions of articles 1, third paragraph, 14, second paragraph,

17, second and sixth paragraphs, and 123, section B, fraction IX, of the Political Constitution of the United Mexican States, which states that are fundamental rights for workers compensation payments due to an unjustified dismissal, also, that no one shall be deprived of property or rights, but through trial by courts competent to ensure equal circumstances access; whose decisions are binding and must ensure its full implementation, in order to protect interests of individuals against arbitrary and unjustified acts. On these bases, Recommendation 88/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_088.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_088.pdf)

### RECOMMENDATION 89/2012

**MATTER:** About Impugnation Appeal, against Recommendation 22/2010 breach, issued by the State Human Rights Commission of Tabasco, on part of Secretariat of Health of the State

**RESPONSIBLE AUTHORITY:** Constitutional Governor of the State of Tabasco

*December 21<sup>ST</sup>, 2012*

The National Human Rights Commission opened impugnation appeal CNDH/2/2011/183/RI, due to the fact that on December 14, 2008, around 18:50 hours, V1, woman aged 23, came with an intense abdominal colic to emergency area of the Community Hospital "Ulises García Hernández", located at Frontera community, of Centla municipality, Tabasco.

Was attended by AR1, family doctor attached to this hospital, who after practicing clinical examination and asking to Q1, V1's mother, if patient was allergic to any medication, cannalized her and provided intravenously metamizol and butilhioscina, the first analgesic anti-inflammatory and second a antispasmodic.

Minutes later, V1 showed allergic reaction to referred medications, with tonic-clonic seizures, distal cyanosis and total apnea, so that AR1 administered hydrocortisone and adrenaline ampoule and started cardiopulmonary resuscitation and defibrillation, without response. After several attempts, V1 was declared death at 19:45 hours by severe anaphylactic shock.

As these events result, on December 17, 2008, Q1 lodged complaint at the Human Rights Commission of the State of Tabasco for alleged rights' violations of V1, attributable to AR1.

The state Organism, after appropriate investigation, issued Recommendation 22/2010 on December 9, 2010, addressed to the Secretary of Health of the state. Such authority, by official letter signed by holder of the Legal Unit of Health Secretariat of Tabasco, accepted Recommendation in its terms and conducted various actions for compliance; however, through another ex officio, holder of the Legal Unit of aforementioned Secretariat pointed out that it was inappropriate to penalize AR1 and repair damage to Q1,

as in administrative procedure 1 it was determined that there was no medical liability.

In such situation, on March 31, 2011, Q1 presented his impugnation appeal for breach of Recommendation 22/2010 at the National Commission Office of Villahermosa, Tabasco, from legal evidence's analysis of aforementioned file, and based on the provisions of article 65 of the National Human Rights Commission law, considers V1's human rights were violated to life, health and legal lawfulness and, therefore, it is estimated from well founded impugnation appeal, by facts consisting of insufficient compliance to Recommendation 22/2010 of the Human Rights Commission of the State of Tabasco on part of the Secretary of Health of Federal entity. On these bases, Recommendation 89/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_089.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_089.pdf)

### RECOMMENDATION 90/2012

**MATTER:** About Impugnation Appeal submitted by V1

**RESPONSIBLE AUTHORITIES:** C. C. Members of the City Hall of Cuernavaca, Morelos

*December 21<sup>ST</sup>, 2012*

The National Human Rights Commission opened impugnation appeal CNDH/1/2012/103/RI, due that on September 12, 2011, V1 addressed to AR1, Markets, Director in municipality of Cuernavaca, Morelos, a written requesting his intervention in effect to undertake actions to remove from his home access, a group of merchants that each week's Thursday blocked it.

He added that market known as "sobre ruedas", was installed, in its most part, by street neighbors who were authorized to place a booth in vicinity of their homes and sell objects that are no longer used; plus,

reiterated the request for authorization that had previously made to street coordinator to sell outside his home, and that was not addressed; AR1 failed to respond to his request and to dismiss people who blocked access to his home.

Accordingly, on October 26, 2011, V1 lodged complaint with the Human Rights Commission of the State of Morelos, and once aforementioned local Organism conducted investigations by accrediting human rights' violations to be treated with dignity and petition, on January 13, 2012 issued Recommendation to AR2, municipal president of City Hall of Cuernavaca.

On January 23, 2012, the mentioned Recommendation was not accepted in full by authority, through the City Hall's Legal Adviser of Cuernavaca; situation brought to V1's attention, who on February 10 of that

same year, lodged impugnation appeal, which was received by the National Commission, on March 15, 2012.

Now, of legal evidence's analysis to referred file, this national Organism was attended with elements that allowed rights' transgressions to petition, legality and legal certainty, attributable to AR1 and AR2, then Markets Director and Municipal President of City Hall of Cuernavaca, Morelos, respectively, to V1's detriment. Therefore, Recommendation 90/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_090.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_090.pdf)

**RECOMMENDATION 91/2012**

**MATTER:** About case of torture in V1's detriment, who was internal at the Penalties Executions Center, in El Mante, Tamaulipas

**RESPONSIBLE AUTHORITY:** Constitutional Governor of the State of Tamaulipas

*December 21<sup>st</sup>, 2012*

The National Human Rights Commission opened complaint file CNDH/3/2012/468/Q, by V1's case, who was admitted on October 23, 2011, to the Penalties Executions Center in Altamira, Tamaulipas, where he remained until the 26<sup>th</sup> same month and year, when was transferred to its similar located in El Mante, where AR1, demanded money in return for his physical integrity protection, and as no receiving requested compensation immediately, he beat his buttocks with a "board".

On November 8 of that year, V1 was released by paying bail established by the appropriate judicial authority; however, on the 12<sup>th</sup> of that month, once again was arrested since it was settled in cited Court, criminal case 2; so was transferred to premises of the Preventive Police of Ciudad Madero, in the above-mentioned federal entity, and later, due to his state of health by events taken place at the execution center in El Mante, was admitted at the private hospital "Quirúrgica Médica Universidad"; from where he promoted through his legal representative amparo proceedings 1, in order to obtain benefit of provisional release under bail; however, has not been granted, so

he remains in preventive custody at hospital, at cited court disposal.

In this regard, AR2, attached to state center in El Mante, acknowledge AR1, worked at site during period in which events occurred, which corroborates version spread by V1; however, denied having any knowledge of acts committed against victim, even though it was his duty to promote adequate security measures for victim.

Also, AR3, prison's public server, did not settled at victim's medical history, physical injury's presence, or findings of post-traumatic stress or emotional those actually were subsequently found in victim.

Otherwise AR4, assigned to Attorney General's Office of the State of Tamaulipas, who medically checked the aggrieved on November 12, 2011, and described in certificate that physical injuries were found; however, omitted to report to appropriate authority about that situation, so there is no prior investigation related to such events, and therefore, no research has been made thereof.

It should be noted that, although in narrated events only local authorities and this national determined exercise power of attraction, at the Human Rights Commission of the State of Tamaulipas request, given matter's importance.

It is important to point out, with respect to human rights violations that is credited against V1, this National Commission is aware that neither the Attorney General's Office

of Justice nor the Government Comptroller both belonging to aforementioned federal entity, have opened any proceedings against public servants involved in the events.

Now, from legal evidence's analysis of file in question, it was noted that V1's human rights were violated to specifically integrity and personal security, fair treatment, as well as to legality and legal certainty, by AR1 and AR2, both assigned at the time of events, to the Penalties Execution Center in El Mante, Tamaulipas, where the victim was internal from 26 October to 8 November, 2011, resulting in behaviors that based in Article 3 of the Federal Law to Prevent and Penalize Torture could constitute torture acts against him. Therefore, Recommendation 91/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_091.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_091.pdf)

## RECOMMENDATION 92/2012

**MATTER:** About Impugnation Appeal submitted by V1

**RESPONSIBLE AUTHORITIES:** Members of the Constitutional City Hall of San Felipe, Guanajuato

*December 21<sup>st</sup>, 2012*

The National Human Rights Commission opened impugnation appeal CNDH/1/2011/7/RI, due that on September 20, 2009, V1 was at his home located in municipality of San Felipe, Guanajuato, when held discussion with his relatives, who sought intervention of locality's Preventive Police, due that he was drunk; subsequently three elements of aforementioned corporation came to the mentioned address and detained and transfer him to preventive Directorate of Municipal Public Security cells.

According to V1's statement, during his transfer an element of the Preventive Police assaulted him physically and verbally, and upon reaching cells' vicinity discussed with another public servant; before this, around eight elements of mentioned corporation pushed him and beat him, therefore he lost consciousness; on awakening realized he was inside cells, and his left eye was bleeding. Due his health deteriorated, two days after arrest, was

transferred to Hospital of San Felipe, located in Guanajuato, where treating physician informed him that it would be necessary to suture his eye; later, victim was taken to Hospital of San Miguel de Allende, where he received medical attention, but was informed that would lose left eye's visibility.

Accordingly, on May 31, 2010, V1 lodged complaint with the Attorney General's Office of Human Rights of the State of Guanajuato, and once local Organism conducted investigations and accredited rights' violations to legal security and integrity and personal security, on September 24, 2010, issued a Recommendation addressed to City Hall's Municipal President of San Felipe, Guanajuato. On October 19, 2010, AR8, then municipal president of mentioned City Hall, reported partial acceptance of aforementioned Recommendation.

This was notified to V1, who disagreed and on December 16, 2010, filed impugnation appeal before the CNDH, after conducting legal evidence's analysis to referred file, counted with elements that allowed to prove rights' violations to legal security as well as to the integrity and personal security to V1's detriment, attributable to AR1,

AR2, AR3, AR4, AR5, AR6, AR7 and AR8, elements of the Public Safety, Thoroughfare Administration and Civil Protection Directorate and Municipal President, all from the City Hall of San Felipe, Guanajuato. Therefore, Recommendation 92/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_092.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_092.pdf)

**RECOMMENDATION 93/2012**

**MATTER:** About Impugnation Appeal submitted by V1

**RESPONSIBLE AUTHORITIES:** Members of the City Hall of Gutiérrez Zamora, Veracruz

*December 21<sup>ST</sup>, 2012*

The National Human Rights Commission opened impugnation appeal CNDH/1/2010/346/RI, relating V1's case and his wife Q1, who on June 20, 2009 attended to sports field called "Raymundo Pérez Reyes", located in Gutiérrez Zamora's municipality, Veracruz.

When the game ended, decided to leave the place but at that time, AR1, then municipal president, who also was in site, approached and demanded to victim, among other aspects, the fact that he was supporting other political parties candidates; at this, V1 stated him that he was free to do so, to what cited public server told him that it would be very important to reconsidered it, since his spouse was pregnant and he needed to take care of himself for the wellness of both her and the baby.

Therefore V1 and Q1 decided to leave the place aboard their vehicle, while driving at avenue Manuel Ávila Camacho, approximately at 19:30 hours, were intercepted by four patrols occupied by AR2, AR3 and AR4, Municipal Police ele-

ments, belonging to the Secretariat of Public Safety of Gutiérrez Zamora; as well as AR5, Municipal Public Safety, Director, who blocked the way and stepped out from their units, approaching to victim's vehicle, while pointing at them their firearms.

Subsequently, as V1 noted, Municipal Police and Traffic elements ordered him to get out of car, arguing that AR1 instructed to detain and imprison him, to which victim refused; therefore, above mentioned civil servants boarded the vehicle, grappled with him and his wife and transfer him to the municipal jail, leaving V1 at disposal of the ministerial authority until 06:00 a.m. next day.

Consequently, on July 8, 2009, V1 lodged complaint with the Human Rights Commission of the State of Veracruz, and once local Organism investigated facts evidencing rights' violations to legality and legal certainty, on February 19, 2010, issued conciliation No. 11/2010, addressed to AR1, then municipal president of Gutiérrez Zamora, Veracruz.

As no corresponding response was received, on June 1, 2010, the State Commission issued Recommendation 46/2010 to the Constitutional City Hall of Gutiérrez Zamora, Veracruz, which was accepted by municipal authority, however, this one

didn't send records to accreditation compliance to aforementioned Recommendation, so on November 5, 2010, V1 introduced impugnation appeal with the CNDH, which after legal evidence's analysis to file in question, noted rights' violations to personal liberty, legality, and legal certainty, attributable to AR1, AR2, AR3, AR4 and AR5, then president of the municipality and Municipal Police attached to the Municipal Public Safety Secretariat, all belonging to City Hall of Gutiérrez Zamora, Veracruz, respectively, to V1's detriment. Who issued Recommendation 93/2012.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_093.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_093.pdf)





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