



Comisión Nacional de los Derechos Humanos

México

Recommendation 078/2009

The following is a synopsis of the recommendation emitted by the CNDH . The complete version may be consulted on this institution's web page.

28th of December 2009

Case: V-01 and V-02

Responsible Authority: Constitutional Government of the Free and Sovereign State of Guerrero, Presidency of the H. Congress of the Free and Sovereign State of Guerrero and the Constitutional Presidency of the Municipality of Ayutla de los Libres, Guerrero

The Mexican National Human Rights Commission emitted its Recommendation 78/2009, due to the case of two leaders of the Organization for the Development of the Mixteco Méphaa People who were deprived of their freedom and whose bodies were found buried a week later. These people had previously been subject to several attacks against their physical integrity.

From the logical judicial analysis in the file of complaint it can be stated that, whilst initiating the ministerial declaration and integrating prior investigations, public servants of the District Attorney's Office of the State violated the human rights to legality, legal certainty and access to the procurement of justice, to the detriment of the victims, as well as their families.

Equally, the appraisers from the forensic medicine service of the Secretariat of Health of the State of Guerrero showed a lack of skill when omitting the description and dissection of injuries; they used inadequate forensic medicine terminology and the necropsy reports are faulty.

Regarding the public servants of the Town Hall of Ayutla de los Libres, it is stated that they violated, to the detriment of the deceased, the human right to legal certainty due to the insufficient protection of people, derived from the inadequate provision of civil service.

Because of this, the CNDH emitted its Recommendation 78/2009, in which it requests the Governor of Guerrero to provide medical and psychological attention to the relatives of the victims; together with the protection of relatives of victims of crime and the initiation of an administrative investigation against the public servants involved in the integration of prior investigations and in the necropsy reports.

The President of the State Congress is requested: to repair the damage in favor of the beneficiaries of the victims; to urge the Municipal President of Ayutla de los Libres to guarantee the security and integrity of the relatives of the deceased; to provide the area's inhabitants and visitors with effective public safety; and to initiate the administrative procedure of responsibility against the town councilor and former Director of municipal Public Safety.

Finally, the Municipal President of Ayutla de los Libres is requested to repair the damage in favor of the beneficiaries of the victims and guarantee the personal security and integrity of their relatives.