



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 038/2010**

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

**Mexico City, June 21st, 2010**

**Subject: About the case of V1's Death and the Violation of his Right to Health Protection**

**Authority responsible:**

**Secretary of National Defense**

On May 8th 2009, the Commission received the complaint of Q1 and Q2 via telephone, ratifying it on the same day. In it, events which allegedly violated human rights to the detriment of V1 and committed by public servants of the Secretariat of National Defense (Sedena) were described. They stated that V1, a relative of theirs who is an army sapper lieutenant of the Secretariat of National Defense, was seen for a fever and admitted at the Mexican Army Health Platoon in Ciudad Juarez, Chihuahua on April 27th 2009 but he failed to receive adequate medical attention during five days at the platoon. Following this, on May 1, 2009, a colonel of the Mexican Army asked Q1 to authorize V1's admittance to the IMSS General Hospital in Ciudad Juarez as V1 was suffering from the AH1N1 virus and his health was in a delicate state.

On May 5th 2009, V1 was transferred to the privately owned Specialized Medical Center of Ciudad Juarez (Centro Médico de Especialidades de Ciudad Juárez S.A. de C.V.). On May 10th, 2009, Q1 reported that V1 had died.

From the logical legal performed on the entirety of the evidence which makes up the present file, the Mexican National Human Rights Commission found sufficient evidence to prove that the human right to health protection was violated to the detriment of V1, through actions attributable to the chief medical surgeon assigned to the 20th Motorized Calvary Regiment of Ciudad Juarez, Chihuahua.

As a result, the Mexican National Human Rights Commission considers it prudent to respectfully present you, Mr. Secretary of National Defense, with the following Recommendations

First. Instruct whomever it may concern so that the necessary measures are taken to repair the damage and harm inflicted upon the relatives of V1 or anyone who proves to be lawfully entitled, as a result of the institutional responsibility incurred upon by civil servants of the Secretariat of National Defense (Sedena), based on

the considerations mentioned within this recommendation and sending proof of compliance to the National Commission.

Second. Issue instructions to those concerned so that within Sedena's hospitals, comprehensive training and education programs on the subject of human rights are developed and implemented, with special emphasis on the content, management, and observance of the Official Mexican Norms regarding matters of health, so that the public service provided by both the medical and nursing staff is adjusted to suit the legal framework and administrative best practices that should be observed whilst performing their duties, guaranteeing that intervention protocols be applied precisely, therefore avoiding actions which violate human rights such as those which led to this recommendation. Evidence of compliance should be sent to the National Commission.

Third. Cooperate fully with the Mexican National Human Rights Commission in the processing of the complaint that this public body brings before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force against the public servants of the Secretariat of National Defense involved in the events discussed in this case. Sending the Commission evidence of compliance as required.

Fourth. Cooperate fully in the presentation and follow-up of the complaint that this public body brings before the federal Attorney General's Office and the Attorney General's Office of the Military Judiciary, so that in their respective areas these offices initiate preliminary investigations as required by law regarding the violations noted in this recommendation. Proof of compliance should be remitted to this Commission as requested.