



Comisión Nacional de los Derechos Humanos

México

Recommendation 62/2011

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, October 20th, 2011

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

AUTHORITY RESPONSIBLE: FEDERAL SECRETARY OF PUBLIC SAFETY, CONSTITUTIONAL GOVERNOR OF THE STATE OF SINALOA

In response to the article published in the *El Universal* newspaper on June 14th 2010 which stated that a clash between inmates occurred on that same day at the Center for the Execution of the Legal Consequences of a Crime in Mazatlan, resulting in the death and injury of several inmates as well as wounded guards and causing personnel from several law enforcement agencies to enter the facility to re-establish order, the Mexican National Human Rights Commission initiate a complaint file automatically in order to begin investigating these events.

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

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

To you, Mr. Secretary of Federal Public Safety:

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

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

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

To you, the Constitutional Governor of the State of Sinaloa:

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

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

Third. Amply collaborate with the Mexican National Human Rights Commission during the initiation and processing of the complaint which the commission presents before the Internal Affairs and Administrative Development Secretariat of the state of Sinaloa in order for it to investigate the behavior of the civil servants of the State Secretariat of Public Safety, in accordance with its jurisdiction and the

powers given to it, and determine if their actions represent an administrative responsibility. Any evidence requested must be sent to the national commission together with proof of compliance.

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

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

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

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

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

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

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

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

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