



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 64/2011**

*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 27th, 2011**

**SUBJECT: ABOUT THE CASE OF VIOLATIONS TO THE RIGHT TO HEALTH AND TO LIFE TO THE DETRIMENT OF V, A HONDURAN MIGRANT**

**AUTHORITY RESPONSIBLE: CONSTITUTIONAL GOVERNOR OF THE STATE OF SAN LUIS POTOSÍ**

On the morning of May 29th 2009, "V" was left at the door of the shelter called *Casa de la Caridad Cristiana Cáritas A.C.* in San Luis Potosí. Because of his physical state, he was evaluated by the medical staff assigned to the shelter who suggested that he could be drugged as it was difficult to establish a fluent conversation with him. He was taken to the emergency ward of the *Dr. Ignacio MoronesPrieto* Central Hospital run by the Health Services of the Government of San Luis Potosí on that same day, entering the hospital at 22:08 hours.

At 01:27 hours on May 30th of that same year, medical staff from the Neurosurgery Ward of the aforementioned hospital determined it was necessary to operate on "V" urgently. He therefore entered the operating theater on that day at 02:40 hours; however, he was not operated on and was connected to a machine which kept his heart beating, finally leading to his death at 18:00 hours on June 2nd 2009.

Medical staff from the *Dr. Ignacio MoronesPrieto* Central Hospital of the city of San Luis Potosí, San Luis Potosí informed the agent of the Public Prosecutor's Office of the District Attorney's Office of the state about "V"'s death, causing the initiation of prior investigation "AP" for the crime of murder against whoever turns out to be responsible, an investigation which is currently underway.

From the logical juridical analysis of the evidence which is contained within complaint file CNDH/5/2009/2514/Q, it was determined that medical staff from the *Dr. Ignacio MoronesPrieto* Central Hospital of the city of San Luis Potosí, San Luis Potosí violated the human rights to health protection and to life to the detriment of "V".

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **Recommendations**:

**To you, the Constitutional Governor of the State of San Luis Potosí:**

**First.** Instruct whoever it may concern in order for the relatives of “V”, or whoever is better entitled, to receive compensation in accordance with applicable laws and with the precepts acknowledged within the *Declaration* of Basic Principles of *Justice for Victims of Crime and Abuse of Power*. This is due to the institutional responsibility incurred upon by doctors of the *Dr. Ignacio Morones Prieto* Central Hospital run by the Health Services of the Government of San Luis Potosí who were in charge of attending the person who is now the offended and is based on the considerations mentioned within this recommendation. The documents which prove this has been complied with must be sent to the National Commission.

**Second.** Issue instructions to whoever is responsible so that there is ample collaboration during the filing and follow-up of the declaration of events which the national commission presents before the District Attorney’s Office of the State of San Luis Potosí in order for it to initiate the prior investigation required by law in accordance with the powers given to it. This is necessary because the behavior of local civil servants was the one to provoke the matter at hand and any proof of compliance requested must be sent to the national commission.

**Third.** Generously collaborate with the Mexican National Human Rights Commission during the initiation and processing of the complaint which the public institution files before Internal Affairs Department of the Health Services of the state of San Luis Potosí against staff of the Central Hospital “Dr. Ignacio Morones Prieto”.

**Fourth.** Issue instructions so that a comprehensive training program on human rights is developed and carried out at the *Dr. Ignacio Morones Prieto* Central Hospital, run by the Public Health Services of the Government of San Luis Potosí. It must focus specially on the contents, handling and observance of the Official Mexican Norms (NOM) on health. The goal of this is to ensure that the public service provided is adjusted to suit the legal framework and administrative best practices that should be observed whilst duties are carried out, guaranteeing the precise application of intervention protocols and thereby avoiding actions such as those that led to the present declarations. Proof of compliance must be sent to the National Commission.