



Comisión Nacional de los Derechos Humanos

México

Recommendation 4/2011

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, February 1st, 2011

Case: Hostal A and the Civil Association B

Authority Responsible: Attorney General's Office

On April 8th, 2010, the National Commission received a written complaint presented by O1. It states that on March 2nd, 2010, three migrants arrived at Hostel A and showed signs of having been kidnapped. Therefore, once the competent authorities had been informed and when a police operation had been performed, the Attorney General's Office arrested three people of central-American origin for their alleged responsibility for the crime of kidnapping.

It also states that on March 5th, 2010, a note was published relating to these events, in a local newspaper of the state of Coahuila. The names of the alleged culprits and the launch of the preliminary investigation 1 were published as well as the victims' request for aid from staff at Hostel A (whose address appears). Along with the antecedents of the case, part of the events of the Attorney General's Office was provided.

As a consequence of the above, Q1 requested the intervention of the National Commission. This is because they consider that revealing information relating to a denouncement carried out by Attorney General's Office staff put the staff of civil association B and hostel A in a vulnerable and risky situation. For the implementation of the file, the Attorney General's Office was asked to provide the respective information, which was produced, in due course.

The logical legal analysis carried out on the evidence of this complaint file, shows that there are sufficient convincing elements to prove the violation of human rights of legality and legal security, as a result of an omission of privacy. It also finds that the content of evidence that compiles the preliminary investigation should not be revealed, nor should information that, due to its nature can endanger the persons' integrity, in this case, to the detriment of the members and collaborators of hostel A and civil association B.

Given the above, in order to avoid similar situations, the National Human Rights Commission considers it appropriate to form with all due respect the following Recommendations:

To The Attorney General:

First. To fully collaborate with the National Human Rights Commission, from the beginning and throughout the complaints procedure brought before the Internal Control Body of the Attorney General's Office. This is to determine what the civil servants of this Institution could have done regarding administrative responsibility, in relation to the events that have been discussed in this present document. Additionally, provide the National Commission with evidence to prove completion of the above.

Second. Circulate instructions, to whom it may concern, so that the necessary processes are carried out to eliminate the information regarding the name and address of hostel A published in the state press release DPE/1089/10 on March 4th, 2010. Promote the necessary security measures so that in similar cases to that which brought about the present statement the information contained in preliminary investigations under the authority of Public Prosecutor's Office agents, remains private. In particular, this is necessary when the publication could put somebody's life, safety or health at risk. In addition, the national institution also requires evidence that proves accomplishment of the above.

Third. Circulate instructions, to whom it may concern, so that the necessary security measures are taken to protect the members of hostel A and civil association B, as well as providing the national institution with evidence that proves accomplishment of the above.