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CNDH: Legal Culture Necessary to Transform the Country

Raúl Plascencia Villanueva, the National Ombudsman, expressed that the lack of commitment regarding respect for the law both by authorities and members of society, has led to a crisis that the country and its people do not deserve and should not be tolerated.

At the inaugural ceremony of the National Seminar on the Culture of Legality and the Duties of Persons, he urged that the foundations of the State of Law be strengthened and that the foundations of the country be laid with laws we all wish to have, assuming the challenge as a commitment undertaken by all.

He stressed that the source of some of the country's major problems lies in the lack of effective law enforcement and is also convinced that issues such as inequality and discrimination could be overcome in a not too distant future through legal observance.

He emphasized that in its nearly twenty years of institutional life, the CNDH has evidenced violations of the law and injustices.

He underlined that the dissemination of a culture of legality was essential for reducing human rights violations through the encouragement of public policies that raise awareness in society.

Those who do not comply with Human Rights will be held accountable

Raúl Plascencia Villanueva, President of the Mexican National Human Rights Commission, expressed that the constitutional reform that was recently passed by the Senate was a major step toward the protection and effective exercise of society's rights, particularly those of the victims.

He pointed out that this reform would put an end to the idea that Human Rights Committees issued Recommendations but nothing happened.

Now civil servants who do not accept or comply with them will have to justify their actions before state congresses, the Senate and the Chamber of Deputies.

He also stated that the CNDH and public human rights institutions wanted to ensure transparency of institutional work in a responsive and effective manner and within people's reach in order to strengthen the democratization of society.

Nothing should affect Children's Rights: Cndh

The Mexican National Human Rights Commission considers that Article 204, section I of the Civil Code of the State of Yucatán is discriminatory regarding health conditions; it undermines the family, puts the higher interest of the minor at risk and establishes a civil sanction that is excessive and disproportionate.

This code was published last March 1 in the state's official gazette, as a result of which the CNDH filed a complaint of unconstitutional action before the Supreme Court of Justice of the Nation.

The Article challenged provides for the enforcement of the sanction consisting of the loss of guardianship in the event of chronic or incurable disease which is also contagious or hereditary.

The CNDH considers that intervening in matters regarding guardianship implies discriminatory treatment which violates Article 1 of the Political Constitution of the United Mexican States, as it makes a general statement about the effects that an illness could have on the descendents.

In this regard, the article for which the complaint was filed constitutes an excessive penalty, given that the loss of guardianship affects the rights of the child.

Cndh Investigates Offences to Migrants in Tabasco

The Mexican National Human Rights Commission is investigating the case of 151 undocumented Central American migrants who stated they had been victims of violence during a raid carried out in the community of Santuario in Macuspana, Tabasco.

CNDH assistant visitors are taking statements from complainants and from neighbors of the community who witnessed the events.

Some migrants said they tried to flee and took refuge within private property belonging to Santuario residents, from where they were taken out, beaten, handcuffed and insulted.

Others mentioned that armed uniformed personnel boarded the train threatening to shoot them on the spot; once they got off, they were beaten.

According to the complainants, personnel from the National Immigration Institute, the Federal Police and the Directorate of Municipal Public Safety of Macuspana forced them off the freight train in which they were travelling towards Coatzacoalcos, Veracruz, when it was still in motion.

Among the 151 undocumented migrants held, there are Hondurans, Salvadorans and Guatemalans. 144 of them are men and 7 are women.

The CNDH will keep an eye on the situation and, when appropriate, it will issue the resolution in accordance with the law.

The cndh calls for the construction of a more just and equitable country

Raúl Plascencia Villanueva, President of the Mexican National Human Rights Commission, said that despite progress made in human rights, the country still faced lags that could only be overcome in a framework of collaboration, tolerance and respect for legality.

He underscored that in the country's current circumstances –social tension stemming from insecurity, exacerbation of inequalities and political polarization– the CNDH wants to be the institution that promotes respectful and constructive dialogue among all social and political actors.

He also requested the support and collaboration of the Powers of the Union to strengthen the CNDH and turn it into the defender of the people which this the country needs, and that human rights should be assumed as a commitment by all.

In presenting the CNDH Activities Report before the Plenum of the Supreme Court of the Nation, Plascencia Villanueva highlighted his commitment to promoting correlation between social needs and public policies.

He said that in 2009, over 45 thousand services were offered, such as guidance for complainants, referral to other authorities and review of requests regarding transparency.

A total of 7,703 complaint files were processed and the authorities that were most frequently pointed to for alleged violations were the Secretariat of National Defense, the Mexican Social Security Institute and the Office of the Attorney General of the Republic.

The CNDH issued 78 specific recommendations to over 100 authorities and federal and local bodies, of which only 7 were fully executed and 20 were rejected.

CNDH Promotes a Network to Protect Migrants

Raúl Plascencia Villanueva, President of the Mexican National Human Rights Commission, met with coordinators of shelters that assist migrants throughout the country to promote a collaboration network regarding the defense and promotion of human rights of undocumented persons.

A direct line of communication was established between those organizations and the CNDH for the opening of complaint files, the investigation of such files, the request of precautionary measures, training and dissemination of its work.

The above will make it possible to combat the growing risk of extortion and the vulnerability they face as well as provide them with support in the face of actions by organized crime and abuses in which authorities could incur.

The National Ombudsman stressed the CNDH's priority of working with these institutions in order to take advantage of their closeness to people who are in an irregular situation, and apply their experience in the matter.

CNDH to intensify actions against Human Trafficking

The National Ombudsman, Raúl Plascencia Villanueva, said that work aimed at combating human trafficking in our country, which affects women and minors especially, will be intensified.

In doing so, the CNDH seeks to achieve victims' social reintegration, as they are sometimes rejected by their own families and left without educational or employment possibilities.

Plascencia Villanueva, who was accompanied by Kate del Castillo, Ambassador of the CNDH against Human Trafficking, visited a shelter for women who have been victims of this crime, where they receive medical and psychological attention, as well as classroom education so as to make it possible for them to return to their normal lives.

They were apprised of the dramatic stories of some of these Mexican and Central American women whose ages range from eight to 40 years and who are survivors of sexual, labor and domestic service exploitation and of being hired to sell and transport drugs and weapons.

The victims spoke about the newest form of deceiving people, consisting of waiting outside schools or public parks to give away free tickets for parties at which youngsters are drugged and then sold to exploitation networks.

These actions undertaken by the CNDH and its Ambassador against Human Trafficking are part of the "Blue Heart" world campaign promoted by the United Nations to combat the scourge of slavery in the 21st century.

During the visit, emphasis was placed on raising the population's awareness so that they can identify the phenomenon and denounce it to the corresponding authorities.

Overcoming dispersion in local laws against human trafficking

The Mexican National Human Rights Commission considers that legal framework in our country with regard to human trafficking is dispersed and of the 25 entities whose laws address this offence, only Chiapas, Tabasco, Tlaxcala and the Federal District have a specific law.

The CNDH Fifth General Visitor, Fernando Batista Jiménez, participated in the panel "International and National Framework on Human Trafficking," as part of the "Blue Heart" campaign.

After pointing out that the even though the Law to Prevent and Sanction Human Trafficking represented a considerable and exemplary progress in its time, it now needs to be modified to combat this crime effectively.

Cndh concerned about Anti-Immigrant Law in Arizona

The Mexican National Human Rights Commission expresses its concern over the approval of the SB1070 state law in Arizona, United States, which empowers the police to arrest and interrogate

those suspected of being undocumented migrants, and penalizes the employment of migrants in such state.

According to the Universal Declaration on Human Rights and other relevant international instruments, all persons have the right to exercise their most essential prerogatives under the principle of nondiscrimination "without any distinction whatsoever as regards race, color, sex, language, religion, political views or of any other type, national or social origin, economic standing, birth or any other condition."

The CNDH will remain attentive to these developments by constantly requesting that both countries ensure the exercise of migrants' human rights in both territories.

Cndh will address complaints from migrants in Arizona

The Mexican National Human Rights Commission underlines that it will provide attention and guidance free of charge 24 hours a day for possible human rights violations arising from the application of Law SB1070 in Arizona, United States.

Thus, the Mexican Institution reiterates its commitment to the promotion and defense of migrants' rights within Mexican territory and to our fellow countrymen abroad.

Besides overseeing the full enforcement of Mexicans' rights in Arizona, the CNDH will follow up on the performance of consular authorities regarding the protection they provide our fellow countrymen.

Law SB1070 can make police officers commit serious violations of migrants' human rights by exercising their right to hold and interrogate persons suspected of being undocumented.

These discriminatory and xenophobic practices are unacceptable to this national institution.

Migrants' complaints can be made by telephone, email, fax, letter or in person.

The CNDH offers the following toll-free LADA number 01800 715 2000 and email and invites people to visit the webpage, for further information about filing complaints.

The Mexican National Human Rights Commission will oversee the performance of Mexican authorities and will ensure the effective exercise of migrants' rights.

Justice was done in the case of Alberta and Teresa: Cndh

The Mexican National Human Rights Commission considers that justice has been done in the case of the indigenous women from Querétaro, Alberta Alcántara and Teresa González after the Supreme Court of Justice of the Nation announced its resolution.

As is known, the release of these indigenous women and respect for their human rights has been an ongoing demand of the CNDH.

In this regard, the National Institution issued Recommendation 47/2009 in which it stated that sufficient evidence to prove the offences attributed to them had not been found.

The Supreme Court of Justice of the Nation ordered the immediate release of the indigenous women due to the fact that the accusation made against them by the Office of the Attorney

General of the Republic, which claimed their responsibility for the kidnapping of six police officers from the now defunct Federal Investigation Agency (AFI) could not be proven.

Therefore, the National Institution is pleased with this decision because it sets a precedent in the defense of human rights.

Moreover, in this case, the CNDH has requested that the damage be redressed.

In Mexico, there are 4.9 million working girls and boys; 600 thousand are day laborers

For the CNDH, Mexican children are a priority because in spite of having their rights recognized by different international instruments and by national legislation, they are currently exposed to labor exploitation.

In Mexico, 3.6 million children between 6 and 14 years old are a part of the paid labor market and 1.3 million belong to the unpaid market.

According to official statistics, over four million Mexican children find it necessary to work in the fields and informal activities under deplorable conditions.

One example are the almost 600 thousand child day laborers who work from eight to fourteen hours being exposed to pesticides and in extreme weather conditions.

For this National Institution, violence, exploitation and abuse are serious problems constantly suffered by Mexican children, who instead of being able to enjoy a normal childhood run the risk of having their physical, mental and moral development affected.

Therefore, the Mexican National Human Rights Commission headed by Raúl Plascencia Villanueva, points out that everyone should be committed to watching over Mexican children's rights and their healthy development.

It considers a more effective oversight by labor authorities is required to prevent minors from being exploited, especially agricultural day laborers who usually begin this type of work between the ages of six and fourteen.

This National Institution strives and works for a culture of recognition and respect for Mexican children's rights as a duty of all to ensure their nourishment, medical care, education and healthy recreation.

RECOMMENDATIONS

In the following pages, the synopsis of the recommendations emitted by the CNDH during the month of April, 2010 is presented. The complete version may be consulted on this institution's web page: <http://www.cndh.org.mx/recomen/2010/001.html>

Recommendation 014/2010

Mexico City, March 22, 2010

Subject: Regarding the case of Medical Malpractice at the National Institute of Pediatrics

Authority Responsible:

Director of the National Institute of Pediatrics

The facts were reported to the National Institution on April 15, 2009 when Q1 filed a complaint in which he stated that V1, a 12-year-old minor, was diagnosed with chronic kidney failure. Q1 took him to the National Institute of Pediatrics (INP) in Mexico City, Federal District so that he could be cared for. To that end, on March 2, 2009, at approximately 10:30 a.m., he arrived at the emergency room of the INP, where V1 was received and appraised by the attending physician, who upon examining him and verifying his state of health, recommended to Q1 that V1 should remain at the hospital for observation purposes.

In this context, the doctor who examined him upon arrival in the emergency room referred him to the head nurse for admittance. The head nurse asked Q1 for V1's personal information and explained that it was not the National Institute of Pediatrics' responsibility to treat him as he lived in the state of Michoacán. By the same token, Q1 said after that insisting he be treated, they remained in the hospital for over seven hours, during which V1 sat on a bench of the aforementioned emergency room, where other doctors checked him, took X rays of his thorax and an electrocardiogram, realizing that V1 suffered from a heart injury caused by a kidney problem, hence suggesting that he be examined by a nephrology specialist.

Once V1 was examined by the nephrology specialist, the INP's personnel informed Q1 that V1 needed attention in a second-level hospital as in that hospital they only had third-level services, and suggested that they went to a hospital in Morelia, Michoacán, for that purpose.

Finally, Q1 stated it was necessary to pay \$245.00 pesos for V1's alleged hospitalization and due to the lack of attention on the part of personnel from the INP, they went back to Morelia, Michoacán, where V1 died on March 14, 2009.

Due to the above, the Mexican National Human Rights Commission noted that the public servants responsible for the medical attention given to V1 provided a deficient service and did not consider his symptoms a medical emergency that needed the administration of acute peritoneal dialysis treatment, violating the provisions of Articles 4, third paragraph and 14, second paragraph, of the Political Constitution of the United Mexican States; 32, 33 sections I and II, and 50 of the General Health Law; as well as contents in Operating Procedure Manuals and Working Instructions of the Medical Division and Critical Medicine of the National Institute of Pediatrics.

For these reasons, Mr. General Director, the Mexican National Human Rights Commission requires you carry out the following:

Recommendations

FIRST. To instruct whomever it may concern so that the pertinent measures be taken to redress the damages caused to V1's family, as a result of the institutional responsibility incurred upon by the doctors that examined him at the National Institute of Pediatrics, by virtue of the considerations set forth in this recommendation, through the corresponding compensation, if requested and applicable, as well as adequate psychological care for V1's family members for as long as necessary, sending proof of compliance to the National Institution.

SECOND. To cooperate fully with the Mexican National Human Rights Commission in the filing of the complaint brought before the Internal Control Body of the institute against the doctors who examined V1 and send proof of compliance to the national institution.

THIRD. To instruct whomever it may concern to design and implement an integral training and instruction program on human rights, with special emphasis placed on the content, handling and observance of the Official Mexican Standards on health matters and the Operating Procedure Manuals and Working Instructions of the Medical Division and Critical Medicine of the National Institute of Pediatrics. The purpose of this is to ensure that the public services provided both by the physicians and nurses comply with the legal framework and proper administrative practices that they should observe in the performance of their duties to ensure that specific intervention protocols are applied and therefore, acts such as those which gave rise to this statement are prevented, and proof of compliance is sent to this National Institution.

Recommendation 15/2010

Mexico City, April 22, 2010

Subject: Regarding the case of Cruelty Perpetrated to the detriment "V1"

*Authority Responsible:
Secretary of National Defense*

On September 2, 2009 the National Institution received a written complaint from "Q1", stating that in October 2008, members of the Mexican Army detained the person he represents, "V1," and transferred him to the "military facilities in Sarabia" located in the state of Guanajuato where he was beaten in different parts of the body by his captors. It was also stated that once he was placed at the disposal of the Agent of the Public Prosecutor of the Federation assigned to the Delegation of the Office of the Attorney General of the Republic in the above-mentioned state with its headquarters in León, the medical appraiser of said agency certified that was wounded.

C. For the adequate compiling of the file in question, information was requested from the General Director for Human Rights of the Secretariat of National Defense and from the Head of the State Center for Social Rehabilitation in Valle de Santiago, Guanajuato.

On September 14, 2009, personnel assigned to this National Institution appeared at the State Center in question in order to talk to "V1" and gather information related to the case. In addition, they also consulted the respective criminal lawsuit in the index of the Eighth District Court in the state of Guanajuato issued against him and by which, in due course, he was sentenced to a prison term upon being found guilty of the commission of offences contemplated within the Federal Law on Firearms and Explosives.

The National Commission believes that the ill-treatment inflicted on "V1" is an attempt on human beings' right to have their physical and psychological integrity respected, as well as their dignity. Therefore, such behavior also violates the provisions of Articles 14, second paragraph, and 16, first paragraph, of the Federal Constitution.

Therefore, Mr. Secretary of National Defense, due to the statements above, the Mexican Human Rights Commission, respectfully presents you with the following:

Recommendations

FIRST. That instructions be issued to the effect that the harm caused to "V1" be redressed by means of the necessary psychological, medical and rehabilitation support that make it possible to reestablish the physical and psychological condition he was in prior to the violation of his human rights, based on the considerations set forth in the body of the present recommendation, sending proof of compliance to the National Commission.

SECOND. Collaborate amply with the Mexican National Human Rights Commission regarding the filing and processing of the complaint that this public body brings before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force against personnel of the Secretariat of National Defense which took part in the events set forth in this case, sending proof of compliance to the National Institution.

THIRD. Collaborate fully with the National Institution in the filing and execution of the preliminary investigations derived from the declaration of events that the National Institution submits before the Agents of the Public Prosecutor of the Office of the Attorney General for Military Justice and to the Office of the Attorney General of the Republic, respectively, against the members who took part in the events stated in this case.

FOURTH. Instruct whomever it may concern so that training is provided to personnel of the Secretariat of National Defense who participate in detentions and/or arrests so that the unrestricted respect of human rights is guaranteed, informing this body about its compliance.

Recommendation 16/2010
Mexico City, April 23, 2010

Subject: Case of medical malpractice to the detriment of V1

Authority Responsible:

Person in charge of the General Directorate of the Institute of Social Security and Services for State Employees (ISSSTE)

The events took place on May 22, 2009 when V1 (a 71 year-old woman) arrived for medical consultation at the Regional Hospital of the Institute of Social Security and Services for State Employees (ISSSTE), located in the city of Mérida, state of Yucatán, where she was checked by AR1 who then scheduled her entry into the hospitalization area to carry out a surgical procedure as part of her treatment for a left subdural hematoma (SDH) (intracranial blood clot).

On May 28, 2009, at approximately 6:30 a.m., V1 was taken to the operating theater and around 2:00 p.m. of the same day, the operation having concluded, she was transferred to the corresponding recovery area. However, Q1 noticed that V1, who remained asleep, was making strange sounds on breathing. She then asked a nurse to have her symptoms appraised; a few minutes later, she stopped breathing, so she was taken urgently to the operating theater once again. At this time, another doctor informed Q1 that in view of the fact that V1 was again showing signs of intracranial blood collection, it was necessary to operate again to drain the blood.

At 4:00 p.m., V1 entered the operating theater and at around 5:30 p.m., a doctor, apparently an intern, informed Q1 that V1 showed serious complications. In light of these events, Q2 requested the intervention of the Human Rights Commission of the State of Yucatán, a public body which, by reason of its competence, sent the respective file to the Mexican National Human Rights Commission on June 23, 2009 in order to have the events investigated.

From the logical juridical analysis carried out on the evidence that forms the file, the Mexican National Human Rights Commission has elements that prove the violation of the right to protection of health to the detriment of V1, attributable to civil servants from the ISSSTE.

Recommendations

FIRST. To instruct whomever it may concern so that suitable measures are taken to redress the damages caused to V1's family members as a result of the institutional responsibility incurred by physicians of the Institute of Social Security and Services for State Employees who examined her,

by virtue of considerations set forth in this recommendation, through the necessary support for V1's sustenance as well as medical care and rehabilitation treatment for as long as necessary, and send this National Institution proof of compliance.

SECOND. To instruct whomever it may concern so that in the hospitals of the Institute in your charge, and especially in the Regional Hospital located in Mérida, Yucatán, comprehensive training and instruction programs on human rights are designed and implemented, with special emphasis on the content, handling and observance of the Official Mexican Standards on health matters so that the public service provided both by the physicians and nurses complies with the legal framework and proper administrative practices that they should observe whilst performing their duties. This should be done to ensure that specific intervention protocols are applied and thus, acts such as those which gave rise to this statement are prevented, and that proof of compliance is sent to this National Institution.

THIRD. To cooperate fully with the Mexican National Human Rights Commission in the filing of the complaint brought before the Internal Control Body of the Institute against the physicians who took part in V1's treatment, and to send requested proof of compliance to the National Institution.

FOURTH. Due collaboration be provided in the investigations derived from the complaint relative to the facts that the Mexican National Human Rights Commission submits to the Office of the Attorney General of the Republic, as it involves federal civil servants, and to send this National Institution proof of compliance as requested.

Recommendation 17/2010
Mexico City, April 28, 2010

Subject: Regarding the case of V1 and family

Authority Responsible:
Secretary of the Navy

The affidavit of December 22, 2009, in which staff of the National Commission prove that it was drawn up in the facilities of the District Attorney's Office of the State of Tabasco where the Assistant Attorney for Lawsuits informed that, in the face of the tragic events, only one person survived and is receiving medical care in a state hospital being guarded by personnel of SEMAR (Secretariat of the Navy) and the State Prosecuting Police.

B. Two articles published in the online version of a national newspaper on December 23, 2009 entitled "Family of hero from Paraíso Murdered" and "Execution of family shocks the Country", that tell of the assassination of "V2" and three other family members of "V1" on the 22nd of that same month in Paraíso, Tabasco. V1, in turn, who was a member of the Secretariat of the Navy, was killed in action on December 16th, 2009 during a raid carried out in Cuernavaca, Morelos.

From the logical juridical analysis carried out on the evidence relating to the complaint file CNDH/5/2010/1/Q, it is possible to confirm the violation of the rights to legality and legal certainty together with the violation of privacy by personnel of the Secretariat of the Navy, as a result of failure to respect personal privacy and safety to the detriment of "V1", which in turn led to the violation of the right to life to the detriment of his family.

In view of the above statement, Mr. Secretary of the Navy, the following recommendations are respectfully submitted to you:

Recommendations

FIRST. That instructions be issued so that the pertinent measures are taken to redress the damage caused to "V1's" family members who were injured, and that the necessary medical, psychological and rehabilitation care is provided until they recover their physical and psychological health, sending proof of compliance to the National Commission.

SECOND. That instructions be issued to whomever it may concern so that in the area of his or her competence, safety measures be promoted so that in cases similar to that which gave rise to this recommendation, the identities of those who participate in raids carried out by that Secretariat are protected, having to inform the National Commission of the actions taken to that effect.

THIRD. That ample collaboration be established with the Mexican National Human Rights Commission in carrying out the preliminary investigation that this Institution brings before the Office of the Attorney General for Military Justice and the Office of the Attorney General of the Republic against personnel of that Secretariat who took part in the events stated in this case.

FOURTH. That ample collaboration be established with the Mexican National Human Rights Commission in filing the complaint that this Institution promotes before the Inspection and General Controllershship of the Navy against personnel of that Secretariat who took part in the events stated in this case.

Recommendation 18/2010

Mexico City, April 28, 2010

Subject: Regarding the case of minor V of Honduran nationality

Authority Responsible:

Commissioner of the National Immigration Institute

On November 26, 2008, a telephone call was received in this National Institution from the General Consul of Guatemala, in which he indicated that in the Immigration Station of the National Immigration Institute (INM) in Tenosique, Tabasco, he had recently interviewed migrant "V", who stated, among other things, that she was 17 years old, 35 weeks pregnant and had declared to the immigration authorities that she was Honduran.

That apparently, on the same date, INM resolved "V's" migratory status by issuing a written communication for her to leave the country; but that the consul, however, knew that she would be transferred to the shelter for migrants located in the Cristo Crucificado Parish in Tenosique, Tabasco, administered by Father Fray Blas.

C. In the event of possible actions or omissions perpetrated by civil servants from the INM, which by their nature may result in particularly serious events and constitute violations of human rights, along with the fact that minor "V" cannot be found, as was confirmed by the consular authorities from Honduras to personnel of this National Institution the decision was made to initiate an investigation.

From the legal logical analysis carried out on evidence that makes up the complaint file CNDH/5/2008/5869/Q, it was possible to confirm a violation to the rights of integrity, legality, legal certainty, as well as due process to the detriment of the migrant minor "V" perpetrated by civil servants from the local INM Delegation in Tenosique, Tabasco.

In view of the above, Madam Commissioner, the following recommendations are respectfully submitted to you:

Recommendations

FIRST. That full collaboration be provided to the Mexican National Human Rights Commission in the filing of the complaint that this National Institution brings before the Internal Control Body of the Civil Service Secretariat at the National Immigration Institute against the civil servants who took part in the events stated in this case.

SECOND. That instructions be issued to whomever it may concern so that an inspection of current administrative immigration procedures for determining the immigration status of foreign minors traveling alone is carried out, and corrective measures are taken in order to prevent violations of minors' human rights, as in this case. And that once this is complied with, this National Institution is duly informed.

THIRD. That instructions be issued to whomever it may concern so that the necessary administrative measures are taken to guarantee appropriate attention to migrants held in the Immigration Station in Tenosique, Tabasco, particularly to minors who are pregnant.

FOURTH. Instruct whomever it may concern so that civil servants from INM are trained in the adequate observance of the rights of foreign minors traveling alone in order to prevent future omissions or irregularities such as those evidenced in this document.

Recommendation 19/2010
Mexico City, April 29, 2010

Subject: Regarding the case of Illegal Detention and Torture to the Detriment of V1

Authority Responsible:
Secretary of National Defense

On March 13, 2009, the National Commission received the file of complaint submitted by V1 in which he declared that during the early hours of March 1, 2009, as he slept in his home located in the municipality of Unión de Isidoro Montes de Oca, Guerrero, personnel from the Secretariat of National Defense (SEDENA) burst into his home and questioned him about weapons and about his neighbors. When he replied that he had no weapons and that he did not know the people who lived next door, they arrested him and beat him, causing a number of wounds. He also stated that at 8:00 p.m. on the same day, he was placed at the disposal of the Agent of the Public Prosecutor of the Federation in Acapulco, Guerrero, where a medical expert assigned to the Office of the Attorney General of the Republic (PGR), carried out a medical inspection and certified that he had injuries that put life at risk, therefore transferring him to the General Hospital in Acapulco, Guerrero, where he made his sworn statement.

Due to the above-mentioned events, the National Commission filed complaint No. CNDH/2/2009/1262/Q on March 18, 2009 and, in order to document the human rights violations reported, assistant visitors from the CNDH carried out various tasks to compile information and the respective documentation. Similarly, reports were requested from the authorities involved, whose logical juridical assessment is the object of analysis in the chapter on observations of this recommendation.

From the logical juridical analysis carried out on the evidence that makes up complaint file CNDH/2/2009/1262/Q, the National Institution considers that there is proof of violation to the human rights to freedom, integrity and personal safety, as well as of legality and legal certainty, consisting of illegal detention, postponing the appearance of the prisoner before the competent

authority and torture and solitary confinement attributable to civil servants of the 4th. SEDENA Mortar Group in Zacatula, Guerrero.

Therefore, Mr. Secretary of National Defense, due to the statements above, the Mexican National Human Rights Commission considers it appropriate to respectfully present you with the following:

Recommendations

FIRST. That the appropriate measures be taken so that the damage caused to V1 be redressed by means of the necessary psychological, medical and rehabilitation help that make it possible to reestablish the physical and psychological condition he was in prior to the violation of his human rights, and to advise this National Commission about the outcome.

SECOND. That full collaboration be provided to the Mexican National Human Rights Commission in the filing of the complaint that this public body brings before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force against civil servants of the Secretariat of National Defense (SEDENA) who took part in the events set forth in this case, sending all evidence and proof of compliance requested to this human rights protection body.

THIRD. To initiate and duly compile the prior investigation derived from the statement of facts that this human rights protection body submits to the Office of the Attorney General for Military Justice against the Mexican Army members involved in the human rights violations incidents in question and that criminal responsibility is determined so that those responsible are sanctioned, forwarding any requested proof of compliance.

FOURTH. Due collaboration be provided in the investigations of the complaint resulting from the facts that the Mexican National Human Rights Commission submits to the Office of the Attorney General of the Republic, as it involves federal civil servants, providing this National Institution with all proof of compliance requested.

FIFTH. That military personnel is instructed to place persons caught in flagrant criminal activity at the immediate disposal of the corresponding prosecutor's authority so as not be transferred to military facilities, and having done the above, this National Institute be duly advised.

SIXTH. In order to guarantee the impartiality and objectivity of military medical personnel when issuing physical condition certifications, training should be provided in order to verify compliance with the legal and ethical duties of abiding by the medical review procedures established in the regulations; without omitting to describe the injuries observed, providing medical care. The obligation to report cases in which ill-treatment or torture are presumed to the Agent of the Public Prosecutor must also be executed, notifying the National Institution upon completion.

SEVENTH. Instructions be issued to whomever it may concern so that SEDENA civil servants receive training to ensure that all actions or duties are carried out according to law and with respect for human rights, ensuring respect of life and integrity and personal safety; so that they do not incur in torture, humiliating and/or ill-treatment, notifying the National Institution once the above-mentioned recommendation is carried out.

Recommendation 20/2010
Mexico City, April 29, 2010

Subject: Regarding the case of Cruelty perpetrated against minor V1

On June 8, 2009, this National Institution received, in light of its federal jurisdiction, the complaint filed by Q1 before the State Human Rights Commission in Michoacán. In it he stated that V1, a 16 year old whose mental faculties are equivalent to those of a child 4 or 5 years old, attended a party on June 6, 2009 in "El Naranjito", municipality of La Unión, state of Guerrero. Whilst there he helped collect aluminum cans and upon leaving the place at approximately 1:00 a.m. the next day, with a black plastic bag containing the result of his efforts, members from the Mexican Army assigned to the Infantry Battalion at Zacatula, state of Guerrero, who at the time were apparently carrying out a raid, shot him, for no apparent reason, injuring him in the knee. On hearing the shot, the guests at the above-mentioned party tried to leave but the military prevented them from doing so, as they established a cordon around V1 and did not allow anyone to come close, not even his family members.

Despite the fact that V1 was wounded, the military transferred him to the facilities of the Zacatula Battalion and did not provide him with medical care, and it was not until 1:05 am. on June 7, 2009, that the minor V1 was admitted to Lázaro Cárdenas General Hospital, remaining under the custody of military personnel during all this time.

The logical juridical analysis carried out on evidence that constitutes file CNDH/2/2009/2683/Q, warns of violations to the basic rights to legality, legal certainty and personal integrity and safety provided for in Articles 14, second paragraph, and 16, first and fifth paragraphs, of the Political Constitution of the United Mexican States, to the detriment of minor V1- All this as a result of acts consisting of wounding, detention and illegal restraint, as well as omission to provide aid him, attributable to SEDENA civil servants.

Thus, the National Commission became aware of the fact that the personnel of the Mexican Army who took part in the events described made wrongful use of force to the detriment of V1, injuring him and failing to provide him with medical assistance, resulting in cruel, inhuman or degrading treatment, a situation which evidently contravenes the right to personal integrity and safety.

Therefore, Mr. Secretary of National Defense, due to the statements above, the Mexican National Human Rights Commission considers it appropriate to respectfully present you with the following:

Recommendations

FIRST. That the appropriate measures are taken in order to provide appropriate compensation and repair the damage caused to V1, providing him with the necessary psychological, medical and rehabilitation assistance which allows him to return to his original physical and psychological state, informing this National Commission about its outcome.

SECOND. That full collaboration be provided to the Mexican National Human Rights Commission in the filing of the complaint that this public body brings before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force against civil servants of the Secretariat of National Defense (SEDENA) who took part in the events set forth in this case, sending proof of compliance to the National Institution.

THIRD. To initiate and duly compile the preliminary investigation derived from the statement of facts that the National Institution submits to the Office of the Attorney General for Military Justice against the Mexican Army members involved in the human rights violations observed and that criminal responsibility is determined so that those responsible are sanctioned, submitting any requested proof of compliance to the CNDH.

FOURTH. Due collaboration be provided in the investigations derived from the complaint relative to the facts that the Mexican National Human Rights Commission submits to the Office of the Attorney

General of the Republic, as it involves federal civil servants, sending this National Institution proof of compliance as requested.

FIFTH. That military personnel be instructed to place persons caught in flagrant criminal activity at the immediate disposal of the corresponding prosecutor's authority and not be transferred to military facilities, and having done the above, this National Institute be duly advised.

SIXTH. That courses be imparted in order to verify compliance with legal and ethical duties of adhesion to medical reviewing procedures established in the regulations as well as providing medical assistance whenever required

SEVENTH. That instructions be issued to whomever it may concern so that SEDENA civil servants receive training so that all actions or duties are carried in accordance with the law and with respect for human rights, ensuring respect to life and integrity and personal safety; preventing them from incurring in torture, humiliating and/or ill-treatment, duly informing the National Commission once the above has been carried out.

Recommendation 21/2010
Mexico City, April 29, 2010

Subject: Regarding the case of Torture committed to the detriment "V1," who is confined in the State social Rehabilitation Center in Aquilés Serdán, Chihuahua

Authority Responsible:
Secretary of National Defense
Constitutional Governor of the State of Chihuahua

On August 10, 2009, the State Human Rights Commission of Chihuahua sent this National Institution, by reason of its competence, "Q1's" written complaint. In it he stated that at around 10:30 a.m. on July 23, 2009, "V1's" cell-mate, who was being held at the prison in question, made a telephone call to V1's daughter-in-law to inform her that military personnel had come looking for "V1" and then beating him during approximately half an hour, due to which other inmates had to take him to the hospital of such detention center.

He added that on this date he came to visit "V1" together with other persons and realizing that V1 showed injuries in several parts of his body, hearing that he had been beaten by members of the Mexican Army, who handcuffed him, threw him on the floor, beat him with bottles and placed a plastic bag on his head while they gave him electric shocks and asked him "who he worked with and where the guns were," as well as threatening to beat him again at a later time and "sow drugs" in his belongings.

From the logical juridical analysis of the evidence that makes up the file, it became evident that "V1's" human rights had been violated, specifically his rights to personal integrity and safety, as well as dignified treatment, by the members of the Secretariat of National Defense who carried out the above-mentioned raid on July 23, 2009, as they perpetrated acts of torture; as well as attempts on legal certainty by prison and prosecutor's staff "AR2" and "AR1" respectively, of the previously mentioned state center.

Therefore, due to the statements above, the Mexican National Human Rights Commission respectfully presents you with the following:

Recommendations

To you, Mr. Secretary of National Defense:

FIRST. That instructions be issued to the effect that the damage caused to "V1" is redressed, by means of the necessary psychological, medical and rehabilitation support that make it possible to reestablish the physical and psychological condition he was in prior to the violation of his human rights based on the considerations set forth in the body of the present recommendation, sending proof of compliance to the National Commission.

SECOND. That full collaboration be provided to the Mexican National Human Rights Commission in the filing of the complaint before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force against personnel of the Secretariat of National Defense who took part in the events set forth in this case, sending proof of compliance as requested to the CNDH.

THIRD. That full collaboration be provided to the Mexican National Human Rights Commission in the filing and compiling of the preliminary investigations derived from the declaration of events that the CNDH submits before the Agents of the Public Prosecutor of the Office of the Attorney General for Military Justice and to the Office of the Attorney General of the Republic, respectively, against the members who took part in the events stated in this case.

FOURTH. To issue instructions to whomever it may concern in order to prevent military personnel from carrying out raids in detention centers without being accompanied by civil authorities, provided that a specific prior mandate has been issued; abstaining from carrying out any act of physical or psychological ill-treatment, sending proof of compliance to this national institution.

To you, Mr. Constitutional Governor of the State of Chihuahua:

FIRST. That full collaboration be provided to the Mexican National Human Rights Commission in the filing of the complaint to be submitted to the Internal Control Body of the State Public Security Secretariat against personnel from the aforementioned detention center and prosecutor's "AR1" personnel commissioned on the day of the raid for the omissions described above, sending proof of compliance to this national institution.

SECOND. That full collaboration be provided to the Mexican National Human Rights Commission in filing the preliminary investigation resulting from the declaration of events submitted by this Institution to the Office of the Attorney General of the State of Chihuahua against penitentiary personnel "AR2" and prosecutor's staff "AR1" for the omissions described in this statement to the corresponding prosecuting authority.

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