

NEWSLETTER

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CgCP/116/10

EFFORTS JOINED FOR THE PROTECTION OF HUMAN RIGHTS

The National Ombudsman, Raúl Plascencia Villanueva, announced that the Mexican National Human Rights Commission will have the first Latin American human rights Indicator generating program for our country.

With the application of those indicators, it will be possible to know the precise extent of human rights protection and fostering and there will be objective information to improve public policies.

This joint effort is based on the methodology of the United Nations' Office of the High Commissioner on Human Rights (UNHCHR) and the support of the National Institute for Statistics, Geography and Informatics (INEGI).

To begin with, these indicators will serve as a reference on a national scale and may be of use to other countries in the region.

It was announced that the first stage of health care rights indicators has been completed and they have been published. Also, the chapter on the right to education, freedom of speech and opinion, life, security and freedom will soon be ready.

CgCP/117/10

JOURNALISTS IN URGENT NEED OF ASSURANCES TO GUARANTEE THEIR SAFETY

Journalists must be guaranteed all of the rights which allow them to exercise their profession without threats or aggressions. The Mexican National Human Rights Commission considers freedom of speech to be at risk when there are situations and actions which attempt against the activities of the communicators.

The attacks against journalists in our country have turned recent years into a real nightmare for them.

We must maintain an attitude of rejection of violence and be constantly demanding within our society in order to keep journalism from turning into the most dangerous trade.

The attacks against communicators are worrying, not just because they represent infringements on people's integrity and lives, but also because freedom of speech is an essential social asset for democracy.

The Mexican State has the obligation of thoroughly investigating the source of the attacks, in order for the judicial authorities to impose the corresponding legal sanctions on those responsible.

The main events reported are infringements on freedom of speech, threats, intimidations, unlawful exercise of public service, pursuits, attacks, murder and forceful disappearances.

From 1999 until now, the CNDH has lodged 594 complaint files relating to offences committed against journalists. The National Commission has issued 20 Recommendations since 2005 and has logged the disappearance of 10 journalists. From 2000 until now, 61 murders of journalists have been registered: four in the year 2000, four in 2001, three in 2002, one in 2003, five in 2004, four in 2005, 10 in 2006, four in 2007, 10 in 2008, 12 in 2009 and four so far this year.

CGCP/118/10

PERSONS WITH DISABILITIES, AT A DISADVANTAGE WHEN EXERCISING THEIR RIGHTS

The Mexican National Human Rights Commission pointed out that the unequal exercising of the rights of persons with disabilities is what places them at a disadvantage in relation to the rest of the population.

With the commemoration of the second anniversary of the coming into effect of the Convention on the Rights of Persons with Disabilities, there is still a lack of reliable information regarding the number of persons with disabilities in the country.

The types of disabilities they suffer, their age, geographical location and needs are therefore also unknown.

The national Institution points out the need for a statistical census which allows for an analysis of the situation of the persons with disabilities and their relationship with the rights to non-discrimination, inequality, juridical capacity, health, education, work, accessibility and access to justice.

CGCP/119/10

RAÚL PLASCENCIA CALLS FOR THE ERADICATION OF INADEQUATE BEHAVIOR

Raúl Plascencia Villanueva, president of the Mexican National Human Rights Commission underlined that legality is the fundamental principle which governs the peaceful coexistence of free and democratic societies. After stating that legality transcends juridical concepts, he said it is a culture which consecrates the respect and acknowledgement of the law.

He said this task requires that everyone commits to abide by the law, due to which the CNDH has analyzed the obligations of the juridical system through a Charter of Duties of the People, a document which should become ingrained in the conscience of all Mexicans.

Raúl Plascencia noted that he plans to work diligently for the Culture of Legality within this context, which requires the commitment of all Mexicans.

“Every right for every Mexican, this is understood; but we must also assume our duties regarding family, law, the State and ourselves”.

He mentioned that Mexican society would be guided by the Charter of Duties of the People and insisted upon a joint effort to elaborate a governing program to be inserted as part of a public policy.

CGCP/120/10

MEXICO LAGGING IN HEALTH CARE RIGHTS: CNDH

Raúl Plascencia Villanueva, president of the Mexican National Human Rights Commission assured that education and access to health care are fundamental topics in order to improve the human rights situation in the country.

He also highlighted that Mexico requires its population to be fully informed about its rights and the ways it can enjoy them.

Even if the concept of human rights is embedded in a broad segment of Mexican society, this is not the case of the contents of the rights themselves and the means available to enjoy them, said the president of the CNDH.

After emphasizing that the CNDH is and will continue to be an institution open to consensus in order to reach the grand national goals of peace and wellbeing, based on the respect for the dignity of human beings, he declared that the government and civil society will find an ally in this national Institution for building on the project of a fair and democratic nation.

CGCP/123/10

THE CNDH ASKS FOR INCREASED ASSISTANCE FOR THE ELDERLY

Raúl Plascencia Villanueva, president of the Mexican National Human Rights Commission, requested that all social sectors join in to enforce the rights of the elderly. He mentioned the urgent need of implementing a comprehensive public policy with a geriatric approach for tomorrow's Mexico, based on that sector's current situation.

He underscored that the CNDH is committed with those who have dedicated most of their working and productive life to the development of our country. The president of the Mexican National Human Rights Commission recounted that the population's aging process was addressed gradually in developed countries and it took decades to prepare the conditions to care for the elderly.

CGCP/124/10

ACLU AGAINST THE ARIZONA LAW

The Mexican National Human Rights Commission and the American Civil Liberties Union (ACLU) are working together to prevent possible violations against Mexican migrants in Arizona as a result of the approval of Law SB1070.

For the ACLU, this Law represents a threat not only to migrants in Arizona but also to the civil liberties and rights of the population of the United States with different racial characteristics which lives or transits through that state.

The CNDH, presided by Raúl Plascencia Villanueva, reiterates its concern about the vulnerable situation faced by the Mexicans without identification papers within that entity of the United States.

The Mexican National Human Rights Commission will monitor the evolution of these events and will continue to raise its voice to foster and defend the rights of migrants on Mexican soil as well as those of our fellow Mexicans abroad.

CGCP/125/10

ASSISTING CRIME VICTIMS, A PRIORITY OF THE CNDH

Providing aid to the victims of a crime is one of the main objectives of the current administration of the Mexican National Human Rights Commission presided by Raúl Plascencia Villanueva. The National Commission will not hesitate in providing those in need with all of the support they need in order to strengthen a nationwide culture of helping the offended. So far this year, the CNDH has received 632 requests for aiding and supporting crime victims, out of which 282 are related to penal matters and 350 to other matters.

Through its Crime Victims Assistance Program (Províctima), the CNDH has provided legal counseling, psychological and medical aid services.

CGCP/130/10

THE CNDH DEMANDS INCREASED SECURITY FOR INTERNET USERS

The CNDH is fighting to make the access to Information and Communication Technologies (TIC) a trustworthy and secure endeavor for the user under the principles of the Universal Declaration of Human Rights.

The Mexican National Human Rights Commission considers that the access to information and the creation and exchange of knowledge contributes to a country's economical, social and cultural development.

The CNDH acknowledges the potential of the TIC, namely of the internet, but it also recognizes that it is necessary to keep them from being used for criminal purposes or infringements on the human rights of the population.

CGCP/131/10

PUBLIC POLICIES URGENTLY NEEDED TO FIGHT HOMOPHOBIA

The Mexican National Human Rights Commission requested that the discrimination due to homophobia be addressed. In the presentation of its Special Report on Human Rights Violations and Crimes committed due to Homophobia, the CNDH underlined that the prejudices, aversions and rejections signal the existence of a structural problem of intolerance.

In order to tackle it, it must be openly acknowledged and the authorities in charge of fostering the respect to legality and non-discrimination within this country must remain especially vigilant. In this report, which may be viewed on the web page www.cndh.org.mx, it is noted that discrimination due to homophobia has generated a new scenario of insecurity triggered by the lack of a culture of respect to human rights.

The CNDH analyzed the data pertaining to 696 cases of offences against members of such vulnerable group, relating to discrimination, homicide and injuries, examined by the prior investigations of more than 15 Attorney General's Offices. The main violations and crimes denounced are discrimination due to sexual orientation and/or gender identity or manifestation, unlawful exercise of public service, arbitrary detention, maltreatment and incitement to violence.

As well as arbitrary interference, attacks on private life, negligence or arbitrary interference regarding the right to employment, denial of commercial services, theft, defamation and false declarations before authorities.

CGCP/135/10

INEQUALITY OF INDIGENOUS PEOPLE'S RIGHTS PREVAILS

Even though 21 states have Constitutions which recognize or guarantee certain rights to indigenous people and communities, inequality prevails in Mexico. Nearly a third of the states have not made a single legislative amendment more than a decade after the federal reforms of 1992 and 9 years since those passed in 2001, even though they host an indigenous population.

The CNDH renews its commitment to execute actions to promote, disseminate and defend the rights and fundamental freedoms of the indigenous people and communities within the country. For the Mexican National Human Rights Commission, it is essential to promote and encourage

actions aimed at respecting cultural diversity, tolerance, dialogue and cooperation which include people who belong to indigenous communities.

A harmonious and mature social coexistence will be made possible when institutions and citizens in Mexico foster intercultural dialogue, respect differences and achieve, above all, mutual understanding.

CGCP/141/10

TRAINING CARRIED OUT IN 23 STATES TO ASSIST VICTIMS OF HUMAN TRAFFICKING

The Mexican National Human Rights Commission will train the staff of the Inter-secretarial Commission for Preventing and Sanctioning Human Trafficking on the prevention of this crime and aid to its victims and their relatives from a human rights perspective.

At the core of the Inter-Secretarial Commission it was agreed that the CNDH would be the body who would train those who have the duty of executing the nationwide program against human trafficking.

The CNDH, presided by Raúl Plascencia Villanueva, will also help with preparing and imparting conferences and workshops on topics such as prevention of crime, victims' rights and the relationship between human trafficking and the migratory phenomenon.

Amongst its actions to combat such scourge, the CNDH launched the United Against Human Trafficking campaign and, together with the Inter-secretarial Commission for Preventing and Sanctioning Human Trafficking, joined the United Nations Office on Drugs and Crime's (UNODC) campaign known as Blueheart. At the CNDH's suggestion, the Ombudsmen from Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Dominican Republic and Mexico created the Regional Committee Against Human Trafficking for Mexico Central America and the Caribbean (CORMECAC).

CGCP/145/10

THE CNDH CONDEMNS THE AGGRESSION AGAINST A MIGRANT AT THE BORDER

The Mexican National Human Rights Commission condemns the aggression suffered by the Mexican migrant Anastasio Hernandez on the northern border. It feels the need for an urgent intervention by the diplomatic authorities of our country to defend the rights of our fellow countryman.

According to the recounts of several mass media sources, at least 20 United States Border Patrol, customs and immigration agents attacked Mr. Hernandez Rojas because he allegedly refused to be repatriated. They beat him on numerous occasions and ran electrical discharges through his body even when he offered no resistance. As a result, Mr. Hernandez Rojas suffered brain damage and is hospitalized in Chula Vista, California.

RECOMMENDATIONS

Below is a summary of the Recommendations issued by CNDH during May 2010. The full version can be found on the institution's website: <http://www.cndh.org.mx/cartnews/cartnws.htm>

RECOMMENDATION 022/2010

Mexico City, May 7th, 2010

SUBJECT: REGARDING THE CASE OF UNJUSTIFIED RETENTION AND TORTURE TO THE DETRIMENT OF V1

AUTHORITY RESPONSIBLE:
SECRETARY OF NATIONAL DEFENSE

On the 9th of May 2009, members of the Mexican Army detained V1 in Ciudad Juarez, Chihuahua, handing him over to an agent of the Federal Public Prosecutor's Office within the area at 21:40 hours due to his probable involvement in committing crimes against health, as stated in the agreement to initiate prior investigation AP/PGR/CHIH/JUA-IV/843/09. Medical appraisers from the Attorney General's Office certified that V1 presented visible external physical violence markings before giving the corresponding declaration.

The Mexican National Human Rights Commission does not wish to comment on the actions performed by the judicial authority; it does however wish to comment on the human rights violations committed to the detriment of V1, attributed to Mexican Armed Forces (Army) personnel who, when performing public safety duties to fight organized crime, infringed upon his physical integrity and his personal and juridical safety.

In light of these events, the Mexican National Human Rights Commission considers the wounds inflicted on V1 by Army personnel with the aim of obtaining information about certain incriminatory events to be acts of torture given that they did not result merely from the use of techniques to subdue due to possible resistance at the time of the arrest. Army personnel never mentioned V1 resisting arrest, which is all the more reason for not considering these wounds as necessary in order to subdue a person.

As a result, the Mexican National Human Rights Commission presents the following

RECOMMENDATIONS:

FIRST. Instruct whomever it may concern in order to take the necessary actions to repair the damages caused to V1, resulting from the torture he was subjected to, through the medical and psychological treatment required to reestablish his physical and mental health, sending proof of compliance to the National Commission.

SECOND. Proceed to instruct whomever it may concern so that the Secretariat of National Defense designs and implements a Comprehensive Human Rights Education and Training Program aimed at the middle and upper ranks as well as Army and Air Force officers, seeking to achieve that the duties they carry out in accordance with their jurisdiction, abide by the legality and respect of human rights, sending proof of compliance to the national commission.

THIRD. Issue instructions to whomever it may concern so that a newsletter issued for the middle and upper ranks as well as Army and Air Force officers is circulated, notifying that people arrested committing a crime in flagrante should be immediately handed over to the corresponding prosecuting authority without using military facilities as detention and retentions centers, sending proof of compliance to the national commission.

FOURTH. Issue the necessary instructions to whomever it may concern so that Army personnel involved in public safety duties, mainly operatives against organized crime, refrain from using force except when strictly necessary, thus avoiding abuse of power through actions like the

torture of the 16 people they detained as a result of these duties; sending proof of compliance to the National Commission.

FIFTH. Instructing those responsible in order to collaborate with the Mexican National Human Rights Commission in the administrative procedure of investigation initiated before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force, owing to the considerations mentioned within this recommendation, forwarding to this effect any proof of compliance which may be requested.

SIXTH. Issue instructions to whomever it may concern in order to amply collaborate with the presentation and follow-up of the declaration of events presented by the national commission before the Attorney General's Office and the Office of the General Attorney of Military Justice, so that they may initiate the legally proceeding prior investigation in accordance with their respective jurisdictions, given that it was the conduct of federal public servants which provoked the current recommendation. It must send the national commission proof of compliance as requested.

RECOMMENDATION 23/2010

Mexico City, May 11th, 2010

SUBJECT: ABOUT THE CASE OF CRUEL TREATMENT TO THE DETRIMENT OF "V1"

AUTHORITY RESPONSIBLE:

FEDERAL PUBLIC SAFETY SECRETARY

On September 2nd 2009, the National Commission received a complaint from "Q1", in which he stated that in October 2008, Mexican Army personnel arrested, "V1", a man he represents, taking him to the "military facilities in Sarabia" located in the state of Guanajuato. He was beaten in different places by his captors; he added that once he was handed over to the agent of the Federal Public Prosecutor's Office assigned to the Delegation of the Attorney General's Office within the mentioned federative entity, based out of Leon, the medical appraiser of such office certified he was wounded.

C. In order to properly assemble the reference file, information was solicited from the general director of Human Rights of the Secretariat of National Defense as well as from the head of the State Correctional Institution in Valle de Santiago, Guanajuato.

On the 14th of September 2009, personnel assigned to the National Commission arrived at the State Correctional Institution in question with the goal of interviewing "V1" and gathering information on the case, whilst also consulting the corresponding penal cause in the index of the Eighth District Court Tribunal of the state of Guanajuato which was administered against him, thanks to which he was sentenced to prison for having been proven guilty of committing crimes classified in the Federal Firearms and Explosives Law.

The National Commission estimates that the mistreatment inflicted upon "V1" constitutes an attack on a human being's right to the respect of his or her physical and psychological integrity and dignity, meaning that through such conduct the contents of articles 14, second paragraph and 16, first paragraph of the Federal Constitution were also infringed upon.

In view of these events, the Mexican National Human Rights Commission respectfully presents you, Mr. Secretary of National Defense, with the following:

RECOMMENDATIONS

FIRST. Issue instructions so that the damage caused to "V1" is repaired through the necessary psychological, medical and rehabilitation assistance which allow for the reestablishment

of the physical and psychological condition he was in prior to the violation of his human rights, based on the considerations set forth in this recommendation and sending proof of compliance to the National Commission.

SECOND. Collaborate fully with the Mexican National Human Rights Commission in the initiation and processing of the complaint that the public institution presents before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force against Secretary of Defense personnel who intervened in the events recorded in this case, sending proof of compliance as requested to the national commission.

THIRD. Collaborate extensively with the National Commission in the initiation and assembly of the prior investigations derived from the declaration of events which the National Human Rights Protecting Body presents before the agents of the Public Prosecutor's Office of the Office of the General Attorney of Military Justice and of the Attorney General's office, respectively, against personnel who intervened in the events set forth in this case.

FOURTH. Issue instructions to whomever it may concern in order to foster the training of Secretariat of National Defense personnel involved in detentions and/or arrests in order to guarantee the unrestricted respect of human rights, keeping the Institution informed about this situation.

RECOMMENDATION 24/2010

Mexico City, May 18th, 2010

SUBJECT: ABOUT THE LEGAL RECOURSE OF IMPUGNATION OF Q1

AUTHORITY RESPONSIBLE:

CONSTITUTIONAL GOVERNOR OF THE STATE OF TABASCO

The State Human Rights Commission of Tabasco initiated the file CEDH/2V-0182/2009 and after having performed the corresponding investigation, accredited the existence of violations to the rights to freedom and personal integrity committed to the detriment of V1. They are attributable to personnel assigned to the Public Prosecutor's Police Force of the District Attorney's Office of the state of Tabasco, being the reason why it addressed recommendation 03/2009 at the District Attorney of such federative entity on the 6th of February 2009.

On the 30th of March 2009, Q1 presented a legal recourse of impugnation at the State Human Rights Commission of Tabasco, in protest of the response which the District Attorney's Office of such entity announced to him on the 4th of March 2009. In it, this office stated its refusal of recommendation 00372009 which was issued against it by the human rights protecting and defending Body of the state, arguing that the behavior of its officials was in accordance with the law. The events which provoked the aforementioned recommendation occurred on the 1st of April 2008 at approximately 08:00 hours whilst V1 was walking in the company of V2 along Mendez Avenue in the Tamulté de las Barrancas quarter of Villahermosa, Tabasco. According to Q1, personnel assigned to the Public Prosecutor's Police Force detained, beat and retained V1 until 19:00 hours, at which time they presented him before the agent of the State Public Prosecutor's Office in Tabasco, accusing him of committing a violent robbery in a business. This, in turn, lead Q1 (sister of V1) to file a complaint before the State Human Rights Commission of Tabasco on the 2nd of April 2008.

The State Commission forwarded this recourse of impugnation to the Mexican National Human Rights Commission on the 1st of April 2009 leading to the initiation of the file CNDH/1/2009/127/RI, requesting information from the District Attorney of Tabasco and other authorities.

As a result of the logical-juridical analysis performed on the evidence which makes up the file in question, the CNDH considers the recourse of impugnation set forth by Q1 against the non-acceptance of recommendation 003/2009 by the District Attorney of Tabasco to be valid and well founded.

Therefore, based on article 66, clause a) of the Mexican National Human Rights Commission Law, the CNDH confirms that recommendation 003/2009 of the State Human Rights Commission of Tabasco was issued in accordance with the law on the 6th of February 2009, leading it to issue the following **RECOMMENDATION**:

FIRST AND LAST. Instruct the District Attorney of the state of Tabasco to comply with the clauses of recommendation 003/2009 issued by the State Human Rights Commission of Tabasco, sending proof of compliance to the national commission.

RECOMMENDATION 25/2010
Mexico City, May 24th, 2010

**SUBJECT: ABOUT THE CASE OF THE INMATES OF FEDERAL CORRECTIONAL INSTITUTION
NUMBER 5 "EAST" IN VILLA ALDAMA, VERACRUZ.**

AUTHORITY RESPONSIBLE:
FEDERAL PUBLIC SAFETY SECRETARY

During the months of September and October 2009, the National Commission received complaints in favor of 119 former municipal police officers of Pachuca, Hidalgo who are presently imprisoned in Federal Correctional Institution number 5 "East" in Villa Aldama, Veracruz (FCI number 5). In them, it was summarized that they were detained by federal agents on June 24th 2009, who took them to the offices of the Deputy Attorney's Office Specialized in the Investigation of Organized Crime pertaining to the Attorney General's Office until they were finally imprisoned in the aforementioned institution, where they are forbidden from seeing their relatives and attorneys and they are given insufficient food.

From the logical juridical analysis of the declarations which make up file of complaint CNDH/3/2009/4405/Q and cumulative files, the Mexican National Human Rights Commission warns that the human rights to personal safety, health, legality, legal certainty, dignified treatment and social rehabilitation are infringed upon within the Federal Correctional Institution number 5 "East" in Villa Aldama, Veracruz, to the detriment of the penitentiary's population. This is because the authorities in charge have not efficiently complied with their obligation to guarantee the respect of the physical and mental integrity of the offended, or with the obligation to foster adequate conditions for their social rehabilitation.

Considering these events, the National Commission has proceeded to respectfully present you, Mr. Secretary of Public Safety, with the following **RECOMMENDATIONS**:

FIRST. Order whomever it may concern to allocate the budget and trained Security and Custody, psychology and community work personnel required to meet the needs of the Federal Correctional Institution in question. This is mainly in order to guarantee the integrity of the inmates and the overall safety of this imprisonment facility and the Mexican National Human Rights Commission must be kept up to date on this matter.

SECOND. Issue instructions to whomever it may concern to achieve the immediate reestablishment of family and intimate visits and avoid keeping inmates isolated, except when necessary and performed in accordance with the procedures established by applicable regulations; initiate activities relating to the treatment which each inmate is subject to; provide adequate and

sufficient clothing for the weather conditions of Federal Correctional Institution No. 5, notifying the Mexican National Human Rights Commission about this circumstance.

THIRD. Instruct whomever it may concern so that medical and infirmary personnel vacancies are filled immediately in order to provide appropriate assistance to the inmates of the aforementioned institution; maintain a stock of medicines, withdrawing those which have gone beyond their expiry date and allocating sufficient space for medical attention, keeping the Mexican National Human Rights Commission informed on this issue.

FOURTH. Issue the necessary orders so that inmate "V119" is transferred to the Federal Correctional Institution for the Mentally Ill as soon as possible so that he may receive specialized medical attention to treat his condition.

FIFTH. Collaborate amply with the Mexican National Human Rights Commission in handling the complaint which the public institution presents before the Internal Control Body of the Secretariat under its command against the civil servants of the Federal Correctional Institution No. 5, due to the mistreatment of "V1", "V122" and "V133", sending the national institution proof of compliance as requested.

SIXTH. Extensively collaborate with the National Commission in the assembly of the prior investigation derived from the declaration of events that the National Human Rights Protecting Body presents before the agent of the Federal Public Prosecutor's Office against the civil servants of FCI No. 5 because of the injuries inflicted on "V1", "V122" and "V133", sending proof of compliance to the national commission as requested.

SEVENTH. Collaborate generously with the Mexican National Human Rights Commission in handling the complaint which the public institution presents before the Internal Control Body of the Secretariat under its command against the civil servants of the Federal Correctional Institution No. 5 due to inadequate medical attention and the lack of supplies for the necessary treatments, sending proof of compliance to the national commission as requested.

EIGHTH. Instruct the commissioner for the Decentralized Administrative Body for Social Prevention and Rehabilitation of the Secretariat of Public Safety in order to implement a permanent training program for executive, technical, administrative and custody personnel of Federal Correctional Institution No. 5 in Villa Aldama, Veracruz, through which to guarantee the unrestricted respect of human rights, keeping the Mexican National Human Rights Commission updated on this issue.

NINTH. Instruct the top ranking official within the branch under its command so that, in a joint effort with the commissioner for the Administrative Body, they perform budgetary and administrative changes in order to install available penitentiary security electronic equipment within FCI No. 5 in order to avoid searches which require physical contact, whilst also properly educating the institution's personnel on how to use them, informing Mexican National Human Rights Commission about this issue.

TENTH. Instruct the commissioner for the Decentralized Administrative Body to open an individual account for each inmate; provide them with balanced, nutritious, hygienic and sufficient food and allocate the necessary human, material and financial resources to allow for the proper operation of this institution, advising the Mexican National Human Rights Commission about the development of this circumstance.

SUBJECT: **ABOUT THE CASE OF MR. V**

AUTHORITY RESPONSIBLE:

MEMBERS OF THE H. CITY HALL OF THE MUNICIPALITY OF GUADALAJARA, JALISCO

On the 5th of December 2007, an e-mail from V, leader of the “Coordinadora 28 de Mayo” was received in the National Commission. It was sent in representation of several civil society organizations known as “National Front against Repression” and it stated that from the 8th to the 16th of December 2007, a “sit in” would be held at the Plaza de Armas in the city of Guadalajara, Jalisco and showed the concern of V, who was worried that the state or municipal government might keep it from happening, thus leading him to request the presence of personnel from the National Commission.

Through the written missive QVG/DG/40999 issued on the 7th of December 2007, the Municipal president of Guadalajara at the time was asked to implement the legally applicable precautionary measures in order to inform personnel from the police forces of such municipality about the obligations and principles of legality and impartiality which must be observed in order to guarantee the respect of the human rights of the demonstrators.

On the 8th of December 2007, assistant visitors from the Mexican National Human Rights Commission bore witness to the unfolding of a manifestation and the establishment of the sit in at the Plaza de Armas in the City of Guadalajara, Jalisco, where, hours later, personnel from the Municipal City Hall removed some articles which belonged to the displeased individuals.

On the 9th of December 2007, a complaint presented by V via e-mail was received, in which he mentions events which he considers to be a violation of human rights attributed to civil servants of the Municipality of Guadalajara and requests the follow-up of the prior investigation initiated at the Attorney General’s Office due to crimes of robbery and abuse of power.

After reviewing the facts, the National Commission wishes to respectfully present you, distinguished representatives of the Council of Guadalajara, Jalisco, with the following

RECOMMENDATIONS:

FIRST. Instruct whomever it may concern so that the damage caused to the demonstrators as a result of the institutional responsibility incurred on by members of the Bureau of Inspection and Vigilance of the Municipality of Guadalajara is repaired, proceeding to return the confiscated articles and paying compensation in accordance with the law.

SECOND. You proceed to instruct whomever it may concern in order for the Municipality of Guadalajara to design and implement a Comprehensive Human Rights Education and Training Program aimed at civil servants so that the education they receive makes the public service they offer becomes one which conforms to the legal framework and the rightful administrative procedures they must adhere to whilst performing their duties. This seeks to keep acts like the ones which provoked this recommendation from happening again and the national institution must be given proof of compliance.

THIRD. Advise whomever is responsible in order to instruct the Municipal Comptrollership of the Guadalajara City Hall to fully collaborate with the Mexican National Human Rights Commission in the initiation and processing of the complaint to be lodged against Bureau of Inspection and Vigilance personnel that intervened in the events recorded in this case, sending the autonomous public body proof of compliance.

RECOMMENDATION 27/2010

Mexico City, May 27th, 2010

SUBJECT: ABOUT THE CASE OF MINOR "V" OF MEXICAN NATIONALITY

AUTHORITY RESPONSIBLE:

COMMISSIONER FOR THE NATIONAL MIGRATION INSTITUTE

On the 9th and 11th of August 2009, two notes which had headings that read: "She is being held hostage" and "Woman demands help to rescue her daughter" were published in the newspapers "El Sol del Sureste" and "Presente", respectively. The highlights of their contents were that Mrs. "T1" requested the help of the Secretariat of Foreign Relations to extract her under-age daughter "V", who was unaccompanied in the Republic of Honduras. They also stated that the minor was subdued by means of deceit by a Honduran man who abandoned her in that country, after they were both deported (sic) by the National Migration Institute in Tenosique, Tabasco.

From the logical juridical analysis performed on the evidence which makes up file of complaint CNDH/5/2009/3994/Q, violations to the rights of minors to the protection of their integrity, legality as well as to legal certainty to the detriment of "V", of Mexican nationality, were accredited in this case. They are imputable to civil servants of the Local Delegation of the National Migration Institute in Tenosique, Tabasco.

In light of these events, the CNDH respectfully presents you, Madame Commissioner, with the following **RECOMMENDATIONS**:

FIRST. Collaborate generously with the Mexican National Human Rights Commission in the processing of the claim which this public institution presents before the Internal Control Body of the Civil Service Secretariat, within the National Migration Institute, against personnel who participated in the events recorded in this case.

SECOND. Issue instructions so that the civil servants of the National Migration Institute (INM), in accordance with the migratory procedures applicable to people who are not carrying proof or identity or nationality, implement the legal and administrative procedures required to safeguard their rights and provide them with the protection required by their condition.

THIRD. Instruct whoever is responsible so that the public servants of the INM are trained on the adequate observance of the rights of minors travelling alone in order to avoid the repetition of omissions or irregularities such as the ones exposed in this document

RECOMMENDATION 28/2010

Mexico City, May 28th, 2010

SUBJECT: ABOUT THE CASE OF MEDICAL MALPRACTICE IN MEXICO'S GENERAL HOSPITAL

AUTHORITY RESPONSIBLE:

SECRETARY OF PUBLIC HEALTH

The events took place on June 23rd 2009, when V1, a 66 year old woman, spouse of Q1, went to Mexico's General Hospital pertaining to the Public Health Secretariat. Once there, the doctors who attended her diagnosed a pseudo intestinal occlusion, a condition requiring an urgent surgery to be treated, which was scheduled but never performed due to the lack of available operating theaters, causing V1 to perish on June 25th, 2009. This led Q1 to file a complaint before

the Human Rights Commission of the Federal District on the 11th of August, 2009 which was forwarded on to the Mexican National Human Rights Commission on the same day due to jurisdictional limitations. This caused the initiation of the corresponding file and the request of information from the Public Health Secretariat regarding the attention given to V1 at the aforementioned General Hospital.

It is important to point out that when the attending doctors asked the hospital's administration for an operating room, there were no rooms available; however, given the urgency of V1's condition, the doctors should have taken the necessary steps to arrange for her transfer to another health clinic or hospital in the area which had an available operating room; this delay and omission considered as a form of abandonment caused a more serious deterioration of V1's health, which culminated in her death on the 25th of June 2009.

Based on the logical juridical analysis performed on the entirety of the evidence which makes up the file of complaint, the Mexican National Human Rights Commission concluded that there are sufficient elements to prove the infringement on the rights to the protection of health and to life, to the detriment of V1. This resulted from an inadequate provision of the public health service in accordance with what is established by the laws on the subject and is attributable to the medical staff of Mexico's General Hospital which belongs to the Public Health Secretariat.

Therefore, the Mexican National Human Rights Commission respectfully presents you, Mr. Secretary of Public Health, with the following **RECOMMENDATIONS**:

FIRST. Instruct whomever it may concern so that the necessary measures are taken to repair the damages and compensation is given to the relatives of V1, as a result of the institutional responsibility incurred on by the doctors of Mexico's General Hospital who treated her, based on the considerations set forth in this recommendation and sending proof of compliance to the National Commission.

SECOND. Give orders to whomever it may concern so that comprehensive human rights education and training programs are designed and imparted within the hospitals of the Secretary you command, especially in Mexico's General Hospital. These programs should focus primarily on the content, handling and observance of the Official Mexican Norms on health related matters in order to make the public service offered both by medical and infirmary personnel become one which conforms to the legal framework and the rightful administrative procedures they must adhere to whilst performing their duties, guaranteeing the execution of precise intervention protocols and sending proof of compliance to the National Commission.

THIRD. Fully collaborate with the Mexican National Human Rights Commission in the initiation and processing of the complaint it presents before the Internal Control Body of the Public Health Secretariat against the doctors who participated in the treatment of V1, sending proof of compliance to this national body as required.

FOURTH. Adequately collaborate with the investigations derived from the formal complaint which the Mexican National Human Rights Commission presents in light of these events before the Attorney General's Office, given that those involved are federal civil servants. It must also forward any proof of compliance requested on to the National Commission.

SUBJECT: **ABOUT THE CASE OF TORTURE COMMITTED TO THE DETRIMENT OF "V1", INMATE OF THE STATE CORRECTIONAL INSTITUTION IN AGUILAS SERDAN, CHIHUAHUA.**

AUTHORITY RESPONSIBLE:
CONSTITUTIONAL GOVERNOR OF THE STATE OF OAXACA

On August 1st, 2008, the Commission for the Defense of Human Rights of the state of Oaxaca lodged the complaint filed by Mr. Cristino Carrasco, in which he announced that the construction of the Barranca Larga–Ventanilla highway would affect his property located in San Sebastián Coatlán, Miahuatlán, within this federative entity. He asked the General Bureau of Roads and Highways of that state for the corresponding compensation; however, civil servants assigned to that semi-state organization refused to do so, claiming that his land belonged to the communal regime and that the corresponding sum would be deposited into a trust fund, whilst also refusing to consider the documents he presented in order to certify that his property belongs to the small property regime, being the reason why the State Commission initiated file CDDH/911/(01)/OAX/2008.

After performing the corresponding investigation and accrediting violations to the human rights to legality, legal certainty and property to the detriment of Mr. Cristino Carrasco, the Commission for the Defense of Human Rights of the state of Oaxaca issued recommendation 18/2009 on August 6th, 2009.

However, the head of the mentioned Bureau stated that he did not accept such recommendation through official missive DJ/320/2009, written on the 25th of August 2009.

Displeased by this authority's non-acceptance, Mr. Cristino Carrasco presented the recourse of impugnation of merit on September 30th 2009.

The National Commission considers the recourse of impugnation presented by Mr. Cristino Carrasco, supported by file CNDH/3/2009/283/RI, to be valid and well founded regarding the non-acceptance of recommendation 18/2009 by the general director of Roads and Highways of Oaxaca. This is because the logical juridical analysis performed on the entirety of the evidence contained in the file revealed that Mr. Carrasco's human rights to legal certainty, legality and property were in fact violated.

As a result, the National Commission respectfully presents you, Mr. Constitutional governor of the state of Oaxaca, with the following **RECOMMENDATION**:

FIRST. Proceed to instruct whomever it may concern so that recommendation 18/2009, issued by the Commission for the Defense of Human Rights of the state of Oaxaca on August 6th, 2009 is carried out in its entirety, keeping the National Institution informed on this issue.

SECOND. Collaborate amply with the Mexican National Human Rights Commission in the handling of the complaint that the public institution will present before the Comptrollership Secretariat of the state of Oaxaca against the civil servants of the General Bureau of Roads and Highways of this federative entity who failed to carry out the procedure established by applicable regulations regarding the impact on the property known as "Yuguiss" located within the jurisdiction of San Sebastián Coatlán, Miahuatlán, due to the construction of the Barranca Larga-Ventanilla highway segment, sending any proof of compliance requested to the national institution.

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