



Comisión Nacional de los  
Derechos Humanos  
MEXICO

# Newsletter

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DECEMBER, 2013

## The voice of the President

**Remark; by Doctor Raul Plascencia Villanueva, president of the National Human Rights Commission and president of the Ibero-American Ombudsman Federation, at the Celebration of 65th Anniversary of the Universal Declaration on Human Rights; at the meeting of Rector Council of the FIO**

*Mexico, City, December 4<sup>th</sup>, 2013*

Mr. Jose Ma. Paez Monges, Ombudsman of the Republic of Paraguay; Mrs. Lilia Herrera Mow, Obudsman of Panama Republic; Mr. Rolando Villena Villegas, Ombudsman of the Plurinational State of Bolivia; Mr. Jose de Costa Faria, Justice Provider of Portugal; Mr. Juan Jose Rios Estavillo, president of the State Human Rights Commission of Sinaloa.

Ladies and Gentlemen:  
It is a pleasure to welcome you to Mexico, to celebrate our first formal reunion. This session is being celebrated at an em-

blematic date for Human Rights. Today we celebrate 65 years from the expedition of the Universal Declaration on Human Rights, we agree with this important international tool of international law that constitutes a milestone within the contemporary history.

The Universal Declaration of Human Rights is the result of one of the deepest deliberations registered on principles and values identification referred to human condition, which deserved to be universally recognized and therefore should be protected subject to the international legal framework.

This Declaration has been, more than a half century, one of the main resources of international law. All principles recognizing rights and fundamental liberties are included in the Declaration text.

The declaration is the resource in allusion, being starting point of several international tools of correlation in which among them highlights the International Agreement on

Civil and Political Rights, the International Agreement on Economic, Social and Cultural Rights, the International Convention on Elimination of all Forms of Racial Discrimination, the Convention on Child Rights, The Convention against Torture and other treatments or Cruel penalties, Inhuman o Humiliating, and the International Convention to all people Protection against Enforced Disappearance, among other treaties and fundamental international conventions.

The end of Second World War, was fundamental to the conformation of the new international order, but one of its transcendental consequences was the line-up of the UN with the essential peace mission between the countries and shortly after was given with another fundamental mission, of promoting and supervising the protection of worldwide human rights.

<http://www.cndh.org.mx/sites/all/fuentes/documentos/PalabrasRPV/20131204.pdf>

## Event of the month

### National Human Rights Award 2013

Doctor Raul Plascencia Villanueva, president of the National Human Rights Commission, together with the head of the Federal Executive, Enrique Peña Nieto and the Secretary of the Interior, Miguel Angel Osorio Chong, at granting of the National Human Rights Award 2013 to Mrs Norma Romero Sanchez, who is a member of a group so-called by immigrants "Las Patronas", who offers food and diverse help, to those who cross our country, event in which was also given an honorific mention to Mr. Juan Manuel Estrada Juarez, president of the National Foundation for Stolen and Missing Children.



### TO ABOLISH IMPUNITY AND STRENGTHEN VICTIM'S HUMAN RIGHTS

#### CGCP/346/13

December 1<sup>st</sup>, 2013

Due to the XII National Conference on Crime Victims and Human Rights, "The Victims' General Law, Challenges and Opportunities", the CNDH suggested that implementation of crime victims' rights allow people to receive appropriate and dignified attention in order to provide true law access and damage

repair. At the seminar held in Jalapa, Veracruz, it was manifested the need to redouble efforts in order for those who have been offended by delinquency, could obtain appropriate attention. It was considered necessary to carry out a facing struggle against impunity, because this infringes victims' legitimate right, strengthening and extend crimes recurrences and power abuses.

The National Commission has been working to motivate coordinate actions with all government bodies, public offices and civil organizations, in order to create synergies to defend and disseminate human rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_346.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_346.pdf)

### THE CNDH INVESTIGATES ALLEGED VIOLENCE AND DISCRIMINATION AGAINST TRAINING TEACHER

#### CGCP/347/13

December 2<sup>nd</sup>, 2013

The CNDH began investigation by alleged human rights violations committed in detriment of a student of first semester of the Escuela Normal Urbana Federal del Istmo (ENUFI) in the State of Oaxaca, who submitted complaint before the CNDH facilities in Ixtotec City, in that entity, to denounce among other topics, discrimination, vio-

lence against her, by participating in public demonstration, damaging third parties and affecting her school studies.

This national Organism considers necessary to implement precautionary measures to protect who denounced, more if there are involved youngster students, to ensure their safety and personal integrity. The CNDH will closely follow the authorities ac-

tions of the State, and of cited teacher-training college that will conduct to where responsibility lies and at its moment, determination pursuant to law will be issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_347.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_347.pdf)

### CONTEMPORARY SOCIETIES IN DEBT WITH PERSONS WITH DISABILITIES

#### CGCP/348/13

December 3<sup>rd</sup>, 2013

The hindering barriers by persons with disabilities to join, contribute, to be included and to develop all their potential in country's daily life, the CNDH considers necessary to accelerate the creation of favorable environments aiming to their access to education, for instance, health and social life. At the celebration of this date, the *International Day of Per-*

*sons with Disabilities*, the CNDH highlights the enormous debts that contemporary societies have with people with disabilities. Therefore, it has increased its efforts on the development of national campaigns and to booster public policies at inclusion matter, linked with the rights to work, education, dignified home, live in community, personal mobility, sports, culture, health protection and the participation in political and

public life. Also, it was made available to persons with disabilities that had been infringed by any federal authority, the web page [www.cndh.org.mx](http://www.cndh.org.mx) and toll free 01800-715-2000, in order to submit the correspondent complaint.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_348.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_348.pdf)

## DOCTOR PLASCENCIA VILLANUEVA PRESENTED FIO'S STRATEGIC PLAN

**CGCP/349/13**

December 4<sup>th</sup>, 2013

The President of the CNDH, as President of the Ibero-American Ombudsman Federation (Spanish acronym FIO), presented the Strategic Plan of that international organization for the next 24 months. In which he noted the strengthening FIO's four webs; women; childhood and youth; communicators and immigrants, as well as human

trafficking. He stressed about good practices exchange and training of 76 FIO members. The national Ombudsman headed the meeting of the new Rector Council of the FIO, that was held in Mexico City, by accomplishing the decision of its members, elected at their XII General Assembly framework, celebrated in San Juan, Puerto Rico, on November 2013. At the assembly there were reviewed strengths, opportunities, weaknesses and

threatens to the Federation, divers pronouncements were approved, to update it, after 18 years of its creation.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_349.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_349.pdf)

## THE CNDH AND THE GOVERNMENT OF COAHUILA ENCOURAGES TRAINING, CERTIFICATION AND HUMAN RIGHTS FORMATION IN THE ENTITY

**CGCP/350/13**

December 5<sup>th</sup>, 2013

The CNDH and the government of the State of Coahuila, will conduct operation with human rights training, certification and study in the entity. They will jointly implement several training programs and certification, in the matter, addressed to public servants of the state government.

The national Ombudsman headed the signing ceremony of the Collaboration Agreement for the implementation of Certification Programs to the personnel attached to the Secretary-General of Government, the Secretariat of Health and Attorney General's Office of the State of Coahuila.

During his working tour through the state, Raul Plascencia Villanueva was granted the title "Doctor Honoris Causa" on behalf of the Universidad Autono-

ma de Coahuila, in recognition to his academic development. After the ceremony, the national Ombudsman delivered a keynote speech "The paradigm of Education and Formation in Human Rights."

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_350.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_350.pdf)

## THE CNDH INVESTIGATES ALLEGED HUMAN RIGHTS VIOLATION TO MIXTECA INDEGENOUS UNDERAGE

**CGCP/351/13**

December 6<sup>th</sup>, 2013

The CNDH began ex officio complaint to investigate alleged human rights violations committed against Mixteca indigenous underage, being subject of humiliations, discrimination, and violence by her classmates of the Secundaria Tecnica 42 in Mexico City.

This national Organism will research the alleged omission of the educative authorities of that school, in its responsibility to provide safety and prevention of crimes commission. Because it considers that any intimidator action and aggressive behavior should be prevented in all ambits and more if it is related to underage.

This situation gets worse when victim is part of an indigenous ethnic, as this underage case. After investigation is conclude and the evidences assessment, this national Organism will issue determination pursuant to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_351.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_351.pdf)

### DR. RAUL PLASCENCIA VILLANUEVA WAS HONOURED WITH THE TITLE OF DOCTOR HONORIS CAUSA, BY THE "UNIVERSIDAD DE COAHUILA"

**CGCP/352/13**

*December 7<sup>th</sup>, 2013*

At solemn ceremony, the governor of Coahuila, Ruben Moreira Valdez and the rector of the Universidad Autonoma de Coahuila, Blas Flores Davila, granted the title of Doctor Honoris Causa and granted a medal of University Merit to doctor Raul Plascencia Villanueva.

At receiving biretta distinguishing the grade, he thanked the deference, and described it as a great motivation to continue forward with his humanist vocation and law studies. At session's framework, the laureate delivered the lecture "Human Rights and Education", one of the topics that always conducts a rich consultation in the universities.

Educating in human rights, he said, has opened a path to construct rule of Law and with society members with knowledge, respect and value the rules, with institutions observing its full compliance.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_352.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_352.pdf)

### THE CNDH INVESTIGATES THE DEATH OF FOUR PUBLIC SERVANTS IN ARCELIA, GUERRERO

**CGCP/353/13**

*December 8<sup>th</sup>, 2013*

The CNDH began ex officio investigation by alleged human rights violation to four public servants deprived of their lives in Arcelia, Guerrero. According with diverse media information on December 6th, early morning, members of the Army intercepted four men at passing

through vicinity of a divide nearby the road connecting the town of Palos Altos, municipality of Arcelia, with the Federal road Teloloapan-Altamirano City, and opened fire, depriving them of their lives. As part of researches, a group of assistant visitors will visit the facts scene, in order to integrate appropriate file and to conduct needed actions aiming

to gather event's evidences, to determine at its moment procedure pursuant to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_353.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_353.pdf)

### THE CNDH AND CDI SIGNED COLLABORATION AGREEMENT

**CGCP/354/13**

*December 9<sup>th</sup>, 2013*

The CNDH and the National Commission for Indigenous Peoples Development (Spanish acronym- CDI), signed collaboration agreement proposing encourage actions to contribute with human rights accomplishment of indigenous peoples and communities and to reach its develop-

ment in a dignified manner, in a framework of respect to their knowledge and cultural practices. Before General Director of the CDI, Nuvia Mayorga Delegado, with whom the agreement was signed, the president of the CNDH, Raul Plascencia Villanueva, ensured that human rights could only become true if the institutions join, looking for strengthening and multiply efforts carried out by all ambits in national life. For its part, the

head of the CDI, thanked the opportunity allowing signed agreement, to strengthen indigenous society's rights matter; besides, pointed out its importance to collaborate jointly at its defense efforts.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_354.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_354.pdf)



**THE CNDH INVESTIGATES CASE OF MISSING JOURNALIST AT THE STATE OF ZACATECAS**

**CGCP/355/13**

*December 10<sup>th</sup>, 2013*

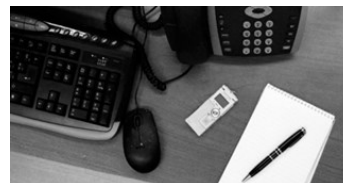
The CNDH began ex officio complaint file by case of missing journalist of the "Linea Informativa" media, Zoila Marquez Chiu, of whom there is no news of her whereabouts since December 7 afternoon when she left her home.

Since last Sunday, communication was undertaken with the aggrieved relatives, who con-

firmed her disappearance, in order to provide them with assistance and needed orientation in the case.

This national Organism will give punctual follow up to the facts, it will exercise its legal powers to ensure victim's full human rights respect and promotion, it will begin correspondent investigations and, in its moment, determination pursuant to law will be issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_355.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_355.pdf)



**ONE OF THE MAJOR CHALLENGES IN OUR COUNTRY, IS TO REACH HUMAN RIGHTS' FULL COMPLIANCE**

**CGCP/356/13**

*December 10<sup>th</sup>, 2013*

To the CNDH one of the major challenges in our country is to reach full human rights accomplishment; to get people to know them; and to have the legal and institutional mechanisms to enforce them.

At the commemoration framework of the Human Rights Day, we should recognize that the rule

of law efficiency and of the democratic process of our county, requires the human rights full exercise by Mexicans.

On this day, this national Organism suggests to keep in mind that the State is the first responsible partner to guarantee unrestricted respect to people's human rights and thus, the seriousness of its vulnerability.

This country requires to be guid-

ed to lawfulness and to full applicability of human rights.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_356.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_356.pdf)

**TWO YEARS FROM AYOTZINAPA, WITHOUT ACCESS TO JUSTICE**

**CGCP/357/13**

*December 11<sup>th</sup>, 2013*

After two years of the events in Ayotzinapa, Guerrero, where Gabriel Echeverria de Jesus and Jorge Alexis Herrera Pino died, students of the Normal Rural School "Raul Isidro Burgos", as well as Mr. Gonzalo Miguel Rivas Camara, gas station worker, the CNDH regrets, that up to date, relatives of serious violations to human rights

haven't gotten effective access to justice.

This national Organism recog-



nizes that it was received by the recommended authorities accomplishment evidences, regarding Recommendation 1VG/2012, the then so-called Secretariat of Public Safety

(today National Safety Commission); the Government of the State of Guerrero, as well as to the Bureau of the LIX Legislature of the local Congress, they have submitted to this National Commission several accomplishment evidences but up to date victims haven't got effective access to justice.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_357.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_357.pdf)

## THE NATIONAL HUMAN RIGHTS AWARD WAS GRANTED TO MRS. NORMA ROMERO VAZQUEZ

**CGCP/358/13**

*December 12<sup>th</sup>, 2013*

Mrs. Norma Romero Vasquez, head of the so-called women group "Las Patronas", was granted with the National Human Rights Award 2013 given by the CNDH, by her outstanding performance with promotion and defense of migrants' human rights.

This award was given by the President of the Republic, Enrique Peña Nieto and the national Ombudsman, Raul

Plascencia Villanueva, during the ceremony at the room Adolfo Lopez Mateos of the Official Residence of Los Pinos. Mrs. Norma Romero, and a group of relatives and neighbors, since 18 years ago provide with water, food, clothes and medicines to those who travel on the train, passing through "La Patrona" town in Amatlan, Veracruz, offering help to migrants.

After thanking the distinction, Romero Vasquez noted that the help that they provide is an encouragement to

work for human rights, for the dream to support people looking for a better life opportunity and of their love ones.

In the event also honourable mention was granted to Mr. Juan Manuel Estrada Juarez, for his dedication to human rights defense of girls and boys illegally deprived of their liberty.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_358.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_358.pdf)



## AT REUNION WITH EUROPEAN UNION AMBASSADORS, THE CNDH HIGHLIGHTS THE IMPORTANCE OF THE DEFENSE OF HUMAN RIGHTS AT NATIONAL AND INTERNATIONAL LEVELS.

**CGCP/359/13**

*December, 13<sup>th</sup>, 2013*

The President of the National Human Rights Commission stressed at a meeting with the Ambassadors of the member countries of the European Union, the existing concern of the representation of the European Union countries on the safety conditions and justice in the country, including human

rights protection at prisons and to the professionalization of the police municipal, state and federal. Also it was noted about migrants situation and the needed efforts coordination among different levels of government. The event was also attended by Ambassadors and the representatives of Germany, Austria, Belgium, Bulgaria, Cyprus, Denmark, Spain, Finland, France, Greece, Hungary, Ireland,

Italy, the Netherlands, Portugal, The United Kingdom, Czech Republic, Slovakia, Rumania, Sweden, as well as the Delegation of the European Union.

<http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/>



## OPPORTUNITIES EQUALITY AND SPACES FOR INCLUSION TO PEOPLE WITH DISABILITIES

**CGCP/360/13**

*December 14<sup>th</sup>, 2013*

To the CNDH it is necessary to open inclusion spaces for people with disabilities, focused to providing them with equality of opportunities in all ambits, but in fundamental way within education, labour aiming to strengthen their development. Authorities and Enterprises should hire these people and disseminate among

society that disabilities are a matter of human rights.

The CNDH received complaints from persons with disabilities, mainly by discrimination at labour centers or by lack to education access, facilities, and adequate material; also, neglect cases within provision of medical care and by no respect to their human rights. This public autonomous Organism considers that principle of legislation national and in-

ternational will continue being dead letter, if it still continues ignoring and disregarding required conditions and supports to have full control with their lives.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_360.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_360.pdf)

## THE CNDH INCREASES ITS LABOUR TO ACHIEVE GREATER EQUALITY BETWEEN WOMEN AND MEN

**CGCP/361/13**

December 15<sup>th</sup>, 2013

Even though there have been important laws promoted to achieve major equality for women, the CNDH considers that our country continues living in inequality conditions, submission and discrimination. The National Commis-

sion encourages promotion, protection and defense of women's human rights, that has been part of the historical process motivated from an extensive social movement searching to eliminate economic, political and social inequalities and to achieve access to equal conditions for a dignified life. Thus it conducts several

training activities along the country, as well as in Mexico City, provided with conferences, courses and workshops, forums, seminars and round tables, aiming to promote equality.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_361.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_361.pdf)

## THE CNDH INVESTIGATES BULLYING CASE AGAINST POSTGRADUATE FEMALE STUDENT IN ENSENADA

**CGCP/362/13**

December 16<sup>th</sup>, 2013

The National Human Rights Commission began investigations by alleged human rights violation committed in detriment to a female student that suffered bullying, by her postgraduate classmates at the Centro de Investigacion Cientifica of Ensenada (Cicese).

During the last 4 months, the young woman who studies marine biotechnology has been aggressions' victim and offences by her classmates, because of being from Mexico City and of her facial features. Assistant visitors of the CNDH visited this municipality in order to gather enough evidence to prove human rights violations; they will meet with the aggrieved student and the school authorities.

In this case, once investigation is concluded and after evidences' analysis and assessment, this national Organism will issue determination pursuant to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_362.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_362.pdf)



## THE NATIONAL OMBUDSMAN, DOCTOR RAUL PLASCENCIA VILLANUEVA PRESENTED THE CNDH REPORT ON SELF-DEFENSE GROUPS AT THE STATE OF GUERRERO

**CGCP/363/13**

December 17<sup>th</sup>, 2013

Special Report on Self-defense Groups and Public Safety in the State of Guerrero, At presenting the president of the CNDH pointed out that it is unacceptable for communities to assume permanent public responsibilities not up to them, which could be construed as power strongholds in which can conduct unjustified and illegal practices. He pointed out that the CNDH notes with concern the entities government's stance, that at first supported these groups, economically inclusively, were recognized and carried out several actions to encourage their outbreaks.

Now it has been given its members' arrest, without by the moment, actions conducted to at-

tend deeply the motives originating its outbreaks. In order to carry out this report, this public autonomous Organism visited a totally of 64 municipalities and 37 communities in Guerrero; it was aware of two thousand 193 forced displacement victims.

Report is integrated by 11 volumes out of a total of 6 thousand 298 pages, the CNDH gave 10 conclusions. It highlights that 66.50% of the population of the 46 aforementioned municipalities are in poverty situation; existing critical missing capabilities hindering the individuals to reach an adequate life level.

In the report, also the CNDH makes 14 proposals, one of those to the Senate of the Republic to which asked for taking needed measures to analyze State's prevailing situation, carried out, by

functions abandonment carried out in public safety and human rights accomplishment affecting inhabitants lives.

To the Head of the Executive Power of the State of Guerrero, were addressed 7 proposals, mainly to implement immediate measures to recover public safety functions, peace and public order; also to establish conditions to assume government exercise functions and to join to full accomplishment of Rule of Law in communities and municipalities; as well they were addressed to the State Congress, three proposals and to City Councils of the entity.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_363.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_363.pdf)

## THE CNDH CALLS UPON TO RECOGNIZE MIGRANTS' CONTRIBUTIONS

**CGCP/364/13**

*December 18<sup>th</sup>, 2013*

At commemoration of the International Day of the Migrant, the CNDH, calls upon to recognize contributions conducted by migrants women and men to societies development and welfare, also to eradicate xenophobic attitudes, racists, and other forms of violence and discrimination committed against them.

According to the International Organization on Migrations there exists 214 million of international migrants.

The Programme to Attend Migrants of the CNDH

cares about migrants crossing Mexico, to transit with full human rights access to health, education, identity, justice and safety, among others.

From January 1<sup>st</sup>, to November 22<sup>nd</sup>, 2013, the CNDH carried out 1,386 visits to migratory stations in which there were assisted 41 thousand 291 persons and before the competent authorities conducted demarches in favor to people housed there.

This national autonomous Organism carries out its labour linked with shelters' web along the country, located in the states, recording major number of migrants in transit, such as : Chiapas, Tabasco, Oaxaca,

Veracruz, Tamaulipas, Tlaxcala, State of Mexico, Guanajuato, San Luis Potosi, Coahuila, Chihuahua, Sonora and Baja California.

The CNDH brings assistance to migrants at phone numbers: 01 800 715 2000 in Mexico and toll free number 1888 889 7080 in the United States.

For further information please visit web page [www.cndh.org.mx](http://www.cndh.org.mx)

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_364.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_364.pdf)



## THE CNDH INVESTIGATES TRAGEDY OF HIGH SCHOOL STUDENTS RUN OVER, DURING A MILITARY PERSECUTION IN REYNOSA TAMAULIPAS

**CGCP/365/13**

*December 19<sup>th</sup>, 2013*

The CNDH, began investigation due to facts denounced through media, in which it was pointed out that during a military persecution against alleged criminals, a group of high school students was run over, with a result of no less than five dead and four injured.

A group of assistant visitors visited the facts scene, also the places where students

were transferred, aiming to certify physical conditions in which there were found, and to meet victims' relatives, to bring required assistance and counseling.

The CNDH investigation is carried out upon its legal and Constitutional prerogatives, verifying that authorities of the three government levels fulfill safety and protection provision of people, in their respective competencies and avoid at the same time, facts like

this one to stay unpunished.

<http://www.cndh.org.mx/sites/all/fuentes/documentos/Comuni->



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## DOCTOR RAUL PLASCENCIA VILLANUEVA, NATIONAL OMBUDSMAN, REQUIRES TO THE GOVERNOR OF TEXAS TO COMMUTE CONATIONAL'S DEATH PENALTY

**CGCP/366/13**

*December 20<sup>th</sup>, 2013*

The President of the CNDH, required to Rick Perry, governor of the State of Texas, suspension of death penalty decreed against Mexican citizen Edgar Tamayo Arias, scheduled for next January 22, and to be commute for penalty in prison.

Adopted determination in fa-

vor of the sentenced, will be recognized by the international community, as an unmistakable sign of commitment by the State of Texas government to life respect and human dignity, as well as to human rights respect.

To institutions responsible for the protection and defense of Human Rights, life represents a supreme value of human being, and as such, constitutes the

most worthy legal asset; right to life is basis to the constitutional arrangements that recognizes and enshrines it as essential value and of great social interest, thus nations are obliged to absolutely protect it.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_366.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_366.pdf)

## THIS YEAR END, THE CNDH ASSURES HUMAN RIGHTS CITIZEN ASSISTANCE THROUGH MOBILE'S BOOTHS

**CGCP/367/13**

*December 21<sup>st</sup>, 2013*

In order to achieve a closer encounter with population and to enforce defense and promotion of human rights work, the CNDH, intensified its activity through Mobile Booths for Citizen Assistance "Ombudsmobile".

This vehicles allows this national Organism personnel to visit remote neighborhoods, to assist

people requiring to submit a complaint by public servants irregular behavior and to provide counseling about their rights. The given services by these mobiles units includes national migrants attention and also to aliens.

Actually there are 14 working units, as part of the program Mobile Booths for Citizen Assistance, which were given to conduct substantive activities conducted by the National

Commission in the 16 offices distributed along the country. The Ombudsmobiles counts with Radio Communication equipment, audio, video, computer and of office; besides, it has a private space to carry out medical checks and establish certificates to persons being subject of physical aggression.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_367.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_367.pdf)

## RECOMMENDATION ADDRESSED TO THE STATE OF SONORA GOVERNMENT, BY AN ARRAIGADA (IN A TYPE OF INFORMAL DETENTION) AND DEAD WITHIN THE FACILITIES OF THE RESEARCHER POLICE OF THE STATE OF GUAYMAS

**CGCP/368/13**

*22 December 22<sup>nd</sup>, 2013*

The CNDH, issued Recommendation 73/2013, addressed to the Government of Sonora, by human rights violations to lawfulness, legal certainty, to power of attorney, right to the truth, to honour and image, to detriment of an "arraigada" woman at the facilities of the State Researcher Police in Guaymas, Sonora. Thus the

mentioned organism should proceed to damage repair to victims' relatives and provide them the needed medical care and psychological, the required period; medical personnel be trained and to experts of the State Prosecutors at managing, integration, legal refinement, custody of evidences and proofs for proper usage and safeguarding, allowing determined prior inquiries promptly and immediately

and, to fully collaborate with facts denounce presentation and follow up formulated by this national Organism, respectively, before the State prosecutor and its General Visitorship, against involved public servants.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_368.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_368.pdf)



## TO ENCOURAGE HUMAN RIGHTS CULTURE OF RESPECT ON AGEING IT SHOULD BE A PRIORITY FOR ALL TO AVOID MALTREATMENT AND DISCRIMINATION TO OLDER ADULTS

**CGCP/369/13**

*December 23<sup>d</sup>, 2013*

Through the National Campaign on Promotion and Dissemination of Human Rights of Older Adults, the CNDH has redoubled actions upon education and training in human rights matter within the public service,

aiming to change this scenery and avoid situations infringing their integrity and welfare.

It organizes along the country, courses, workshops and informative talks to create awareness among



the population on the importance of knowing their human rights in order to require its accomplishment.

It also trains municipal public servants, state and federals in order to let them know their responsibility by assisting efficiently with their needs and provide them with a dignified and respectful treatment.

The CNDH through the Program on Children's Affairs and Family, implements nationally, the National Campaign on Human Rights of Older Adults Promotion and Dissemination and Campaign "Human Rights Life Project

and Successful Ageing.

At phone number 5631 0040 and long distance toll free 01800 715 2000, extensions 2327, 2305, 2333 y 2105 counseling and guidance is available in topics as labour discrimination, alimony and domestic violence.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_369.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_369.pdf)

## PENDING DEBTS WITHIN INDIGENOUS PEOPLE RIGHTS

**CGCP/370/13**

*December 24<sup>th</sup>, 2013*

The CNDH considers that in regard to human rights and of culture of indigenous people, the government and society jointly have had important pending debts.

Also, it manifests that is a commitment of all Mexicans to improve life quality and that it is unacceptable marginalization, inequality and lack of opportunities, stopping development of 15.7 million of women and men of that population sector in our country.

This autonomous public Organism, by its Program on Promotion of Human Rights of Indigenous People and Communities, reinforced actions in favor of this sector and with that purpose its staff travels along the country visiting indigenous people.

Likewise, it carries out several activities consistent with talks, workshops and conferences, to make them aware of their rights enshrined in both the Constitution, as in different international instruments. They have been trained in regard the services that should be provided in the

diverse governmental offices and medical care clinics; for this effect, it is given informative material on human rights in several indigenous languages.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_370.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_370.pdf)

## THE CNDH IS CONCERNED ABOUT MIGRANTS' WOMEN SITUATION

### CGCP/371/13

December 25<sup>th</sup>, 2013

The CNDH, expressed its concern about the situation of migrants women, which number is increasing. Worldwide the number of women migrating to another country getting bigger, no longer just to rejoin their partners or husbands but mainly looking forward to get a job to improve life quality.

This population group has specific needs that it is necessary to point out and differentiate to develop programs and public policies with gender perspectives. Therefore, the CNDH considers urgent application of public policies contributing to safety guarantee and full rights access to health, public safety and identity. Data from the International Organization for Migration (Spanish acronym- OIM) estimates about 214 mil-

lions of migrants worldwide, of which 49% are women; in Mexico ratio constitutes 24.5% and in Latin America grows 50.1%.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_371.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_371.pdf)

## TO ERADICATE DOMESTIC VIOLENCE IT IS REQUIRED TO MAKE IT VISIBLE

### CGCP/372/13

December 26<sup>th</sup>, 2013

To the CNDH, it is necessary to make visible domestic violence and called upon society to join efforts to eradicate this phenomenon affecting one of every three Mexicans homes. In order to promote respect to rights of the victims as girls, boys, women and older adults, the CNDH has increased its training tasks to family parents

along the country. This autonomous public Organism disseminates human rights content and guide on how they should be conducted within family, contributing to break down the problem. The National Commission considers there's no existing reason to commit violent acts at home among family members; thus, the CNDH workshops are to encourage prevention to that kind of behaviors. To look for information

and counsel within the matter, the CNDH made available to everyone, phone numbers 5631 0040 and toll free 01800 715 2000, extensions 2113, 2119, 2333 and 2375.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_372.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_372.pdf)

## THE CNDH INVESTIGATES MIGRANTS' HUMAN RIGHTS VIOLATIONS, AT A FIRE IN THE MIGRATION STATION IN MAZATLAN, SINALOA

### CGCP/373/13

December 27<sup>th</sup>, 2013

The CNDH, began investigation by alleged human rights violations at set out fire in migration station of the National Migration Institute (Spanish acronym- INM) in Mazatlan, Sinaloa.

This public autonomous Organism argues that it must be en-

sured safety and integrity of the people homed at stations of the National Migration Institute, independently on their migratory situation. It considers necessary to act with due diligence at investigation and information procedure of the facts, but over all, in prevention measures to protect migrant people crossing our country.

This investigation is carried out

by the CNDH at its constitutional duties framework and legal, verifying that authorities fulfill their duty to provide to affected people, safety and protection within their respective competencies.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_373.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_373.pdf)

**INCREASE ACTIONS TO ERADICATE INDIGENOUS WOMEN TRAFFICKING**

**CGCP/374/13**

*December 28<sup>th</sup>, 2013*

Facing the prevalence of indigenous girls trafficking and women, the CNDH calls upon federal authorities, state and municipal to increase and coordinate directly actions to eradicate, combat and to punish this crime.

So, to prevent this crime, the National Commission performs diverse training workshops among indigenous women and conducts a number of actions to avoid their human rights

infringement, as workshops, talks, conferences and courses.

Similarly, it develops and distributes written materials to promote their rights; through its Program Against Human Trafficking, it trains public servants and civil society representatives who disseminate what was learned within this type of communities.

Also it has led in several country regions the National Campaign on Indigenous Languages (Spanish acronym- INALI) and System of Distribuidoras Conasupo,

S.A. de C.V. (Diconsa), in national indigenous languages. The National Commission reiterates its commitment to continue working so that indigenous people human rights to be defended, known and respected; to denounce violation actions it made available to public, toll free long distance number 01800 715 2000 and web page [www.cndh.org.mx](http://www.cndh.org.mx)

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_374.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_374.pdf)

**THE CNDH RATIFIED ITS COMMITMENT WITH THE DEFENSE OF INDIGENOUS PEOPLE IN IMPRISONMENT**

**CGCP/375/13**

*December 29<sup>th</sup>, 2013*

The CNDH ratified its commitment with human rights defense of the 8,400 Indigenous people in Imprisonment in the country. The Program on Human Rights Protection of indigenous people in imprisonment conducts regular visits to penitentiaries to provide legal counseling and leads the dissemination of their rights.

On 2013 this national Organism undertook 612 facilitating processes to indigenous people in imprisonment, before penitentiary authorities of the federal law enforcement and of the different entities in the country, aiming to analyze the files and to determine the appropriateness of any early release benefit.

A revision is performed to the technical files, legal and medical in order to docu-

ment the inmates of the various indigenous people to provide them the required assistance.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_375.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_375.pdf)



**THE CNDH INVESTIGATES THE DEATH OF AN UNDERAGE AT CLINIC 1 OF THE IMSS IN HIDALGO**

**CGCP/376/13**

*December 30<sup>th</sup>, 2013*

The CNDH, investigates alleged human rights violations regarding an underage death, that occurred at Clinic number 1 in the city of Pachuca, Hidalgo, attached

to the National Institute of Social Security (Spanish acronym- IMSS). As investigations conclude and after evidences analysis and assessment, this national Organism will issue determination pursuant to law. The National Commission reiterates that population accessi-

bility to health services with quality and care is fundamental to contribute to human rights consolidation in our country.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_376.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_376.pdf)



## THE CNDH IN FAVOR WITH FREEDOM OF INFORMATION AND RESPECT TO JOURNALISTS' LABOUR

### CGCP/377/13

December 31<sup>st</sup>, 2013

To the CNDH, pluralism and diversity thinking are key elements to citizenship's right to be informed. In order to promote them and not to limit them, in large extent, is responsibility of the State and of the professionals of the information.

This public autonomous Organism has recognized some advances in protection to journalism exercise, such as decree by which has been repealed from the Federal Penal Code crimes

of defamation, libel or slander and the Law to Protection of Human Rights Defenders and journalists.

In it, the CNDH observes an increasing quantity of aggressions in prejudice of the journalistic sector, without authorities that enforce law at an important number of cases, events that encourage the committed crimes against them, have not been solved such as homicides, injuries and threatens.

Access to information through journalistic labor makes up an allied of first order for fighting

corruption and is one more channel to clarify public demarches strengthening democracy.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_377.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_377.pdf)

### RECOMMENDATION 69/2013

**MATTER:** Rights' violations to personal integrity, sexual liberty, education, healthy development, dignified treatment and legal certainty in detriment to a female underage V1 at high school 1 in Mexico City.

**RESPONSIBLE AUTHORITIES:**

Secretary of Public Education

*December 16<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/2/2013/4823/Q, because on June 9<sup>th</sup>, 2013, at this autonomous Organism was received Q1's complaint, in which pointed out facts of infringement to her daughter's detriment, aged 15, 3<sup>rd</sup> grade student at high school 1, located in Talpan, Mexico City.

Q1 noted that V1 told her at the beginning of June 2013, that since last school year was being victim of sexual harassment and "fondling" by Ar1, who was teacher of plastic arts at high school 1 and that, as consequence she cut herself with sharps in her legs and arms; also, Q1 highlighted that her daughter got a grant for being a talented girl, due for her average of 10.

Likewise, Q1 manifests that at informing about this situation to AR2, the principal of high school 1, who made her comments such as: "are you aware what

this entails" and "all this entails a tiring and annoying process", therefore complainant noted that she was not supported by the aforementioned public server. Q1 added that on June 17, 2013, AR3, inspector of the Zone XII from the Federal Educational Services Administration in Mexico City, pointed out that "by superior orders" it wasn't possible to withdraw AR1 from the classroom, thus that V1 had to stop taking lessons with cited teacher, situation in which Q1 was agree; however, the inspector informed to plaintiff that she had to submit a writ indicating that V1 can't attend to the plastic arts workshop because of health matters, insisting that she should "think things over" due that that kind of prosecutions involve long process and tiring, since the denounce of a single student isn't enough, besides that the school year was ending.

In order to document human rights violations, assistant visitors and experts from this national Organism carried out several field works to gather testimonies and documents; were required reports from the Secretariat of Public Education and, in collaboration with, Attorney General of Justice of Mexico City and to the Attorney General's Office.

Now from the legal analysis performed to the re-

ferred complaint file evidences, the CNDH observed human rights violations to sexual liberty, personal integrity, dignified treatment, education, healthy development an legal certainty in detriment to V1 by facts consistent in infringing her sexual liberty, to denying a girl of continues care, to omit custody, monitor, protect, and to establish safety measures to people and to provide inappropriate education service, attributable to personnel of the Secretariat of Public Education.

On these bases Recommendation 69/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_069.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_069.pdf)

## RECOMMENDATIONS

### RECOMMENDATION 70/2013

**MATTER:** Human Rights infringement to personal integrity, sexual liberty, legal certainty, education, healthy development in detriment of children V1, V2, V3, V4 and V5 at elementary school 1 in Mexico City

**RESPONSIBLE AUTHORITY:**  
Secretary of Public Education

*December 16<sup>th</sup>, 2013*

The National Human Rights Commission began complaint filed CNDH/2/2013/2201/Q, because on March 7<sup>th</sup>, 2013, Q1 and Q2 learned AR1, principal of the elementary school 1, that their sons V1 and V2 received reiterated sexual aggressions on behalf of P1, boy aged 13 and sixth grade student at cited school. Also, indicated that before, in the month of February same year, Q1 reported about facts to AR2 and AR3, assistant teacher and psychologist attached to the Regular Education Support Service Unit 11-52, while workshop on "Self-care", those who indicated that she should talk about it with the teacher in charge of the group.

As for, Q2 pointed out that, that same day march 7<sup>th</sup>, 2013, reported to SP1, her/his son V2 group female teacher, who notified AR1 on this situation and met with the teacher of P1 in regard the event. That same day, AR1 principal of the elementary school 1, expressed to Q1 and Q2 that he would begin investigations and summoned them for next day in order to develop facts report with testimonies and involved children declarations.

Due to the facts, on March 8<sup>th</sup>, 2013, Q1, Q2, and P2, mothers of V1, V2, and V3, respectively, gathered at the school princi-

pal's office aiming to take their declarations, however, they mentioned that while these occurred, AR1 tried to confuse and inhibit them, with insistent questioning and several expressions. Together with the foregoing, pointed out that in that same date, AR1 told them that he will proceed to call P1 parents, in order to establish diverse agreements and commitments, in spite of have been adopted as precautionary measures at campus, that P1 has to go to the restroom accompanied by an adult and not to be near the aggrieved ones.



They noted that on March 11th, same year, AR1 notified that according to the consultation conducted to the "legal" personnel, described behaviors in the facts report were considered sexual harassment, motive required to review the cited document to reconfirm its declarations content, that they were unable to carry out, due to that AR1 indicated them that were still finishing the transcription.

Thus, on March 14<sup>th</sup>, 2013, Q1 and Q2, mothers of children V1 and V2, aged 6, when this events took place, they submitted complaint before this national Organism, by human rights violations to their sons, as well as to children V3 and V4, all of them first grade students from class B, that occurred at facilities of elementary school 1, located in Gustavo A. Madero, Mexico City.

Finally, Q1 and Q2 expressed in their complaint being acknowl-

edged, by other mothers, about other children's cases that also have received aggression by sexual harassment from P1, situation being reconfirmed while conducting study file integration, since in this protecting human rights organism gathered evidences related with child V5 case, first grade student, when events took place at elementary school 1.

In order to document human right violations assistant visitors and experts from this national Organism, conducted several field works to collect testimonies and documents. Besides, reports were required to the Secretariat of Public Education.

Now, from the legal analysis carried out to aforementioned complaint file evidences, the CNDH observes human rights violations to personal integrity, sexual liberty and healthy development in detriment to children V1, V2, V3, V4 and V5 by facts consistent in children's continuous care deprivation, custody omission, monitoring, protection, establishing security measures and to provide inappropriate education service, attributable to the personnel of the Secretariat of Public Education. On these bases Recommendation 70/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_070.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_070.pdf)

### RECOMMENDATION 71/2013

**MATTER:** Refusal to access to Orphan's pension right in detriment to V1, person with disabilities

**RESPONSIBLE AUTHORITY:**

General Director of the Institute of Health and Social Security for Workers of the State

*December 18<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/2/2012/691/Q, because on December 22<sup>nd</sup>, 2011, The Human Rights Commission of Mexico City submitted to this National Commission, complaint presented on the 10th, same month and year by Q1, sister of V1, male aged 43, who expressed that on July 2008 opened procedure before the Institute of Health and Social Security for Workers of the State (Spanish acronym- ISSSTE) for the granting of his orphan's pension V1, as his mother's beneficiary, who passed away on 2002.

The aforementioned, is because V1 suffers from paranoid schizophrenia since 1944 diagnosed by the Mental Hospital "Fray San Bernardino Álvarez", and on April 2007 Q1 promoted interdiction trial, in which Q1 was appointed V1's tutor, on September same year. Q1 mentioned that, as V1 representative, on April 2007 was required to the

then General Director of the ISSSTE, orphan's pension, from delivery of correspondent documentation for its procedure, which formally started on July 9<sup>th</sup>, 2007, is noted that up to this recommendation date, orphan's pension of V1 has-n't been covered.

Q1 pointed out that on January 2010, was delivered to V1 his pensioner card and that on May 30<sup>th</sup>, 2011, was submitted writ before AR1, the then chief of the Pensions Department, Safety and Health, of the Subdelegation of Benefits, of the ISSSTE South Area Office in Mexico City, in which its intervention was required in order to carry out corresponding diligences aiming that V1 receive the orphan's pension as soon as possible; however, expressed that she never got ex officios' response.

Also, Q1 pointed out that on November same year, she met aforementioned Subdelegation's head, who reported her that he considered that within a week he will deliver V1's payment check, but none of this occurred.

Therefore, this National Commission opened cited complaint file. While this complaint procedure, the head of the Conciliation and Complaints evaluation and Refunds from the Institute of Health and Social Security for Workers of the

State, on July 5th, 2012, to this national Organism that AR1 pointed out that was-n't be possible to grant orphan's pension to V1 because he had a paid work at the Universidad Autonoma de Mexico.

Likewise, the ISSSTE reiterates its determination by signed ex officio by AR2, received on July 12th, 2012. Now from legal analysis carried out to the referred complaint file, the CNDH found human rights infringement to justice access, legal certainty and social security, in detriment to V1, person with disability, attributable to AR1 and AR2, public servants of the ISSSTE, by refusing to pay orphan's pension granted to V1 and to breach due legal procedure. On these bases Recommendation 71/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_071.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_071.pdf)



## RECOMMENDATIONS

### RECOMMENDATION 72/2013

**MATTER:** Human Rights violations, derived on a raid carried out at the International Airport of Mexico City, in detriment to users.

**RESPONSIBLE AUTHORITY:**

National Safety Commission of the Secretariat of Interior

*December 18<sup>th</sup>, 2013*

The National Human Rights Commission opened on July 31<sup>st</sup>, 2013, complaint file CNDH/2/2013/5756/Q, due to the facts learnt by newspaper notes that on July 27<sup>th</sup>, 2013, approximately 30 agents from Internal Affairs of the Federal Police from the Secretariat of Interior led raid at the International Airport of Mexico City (Spanish acronym- AICM), in

order to attend denounce on drugs trafficking, getting into the hangars, as well as to airplanes' areas for loading and unloading, in official trucks, bearing assault weapons. Some of them dressed in civilian clothing and carrying out arbitrary search to passenger's luggage of flight 695 of Airline 1, coming from Caracas Venezuela. In order to document human rights violations, assistant visitors and experts from this national Organism led several field works to gather testimonies and documentaries information. Besides, a report was required to the National Safety Commission and to the Secretariat of Interior, and in collaboration to the Attorney General's Office, to the Deputy Director-General of Legal at the International Airport of Mexico

City, at service to the Tax Administration, Secretariat of Treasury and Public Credit, to the Secretariat of Communications and Transport. Now from legal analysis carried out to referred complaint file evidences, the CNDH observed that human rights violations to lawfulness, legal certainty, right to privacy and personal integrity, in detriment to flight 695 passengers of Airline 1, coming from Caracas, Venezuela, arriving approximately at 13:16 hrs., on July 27<sup>th</sup>, 2013, as well as several users and personnel working at the AICM. On these bases Recommendation 72/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_072.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_072.pdf)

### RECOMMENDATION 73/2013

**MATTER:** Taking neglect steps, care measures omission and inappropriate evidence protection in detriment to V1, at Research State Police operations base in Guaymas, Sonora.

**RESPONSIBLE AUTHORITY:**

Constitutional Governor of the State of Sonora

*December 18<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/5/2013/7190/Q, because on September 28<sup>th</sup>, 2013 approximately at 12:00 hrs, on investigation mission ordered by AR1, Agreements Assistant Secretary, at the moment in charge of the Research Agency of Public Ministry of Sector One, in Guaymas, Sonora, AR3, AR4 and AR5, elements from the State Research Police of Sonora, detained V1 outside her home, in the city of Guay-

mas, Sonora. The detained was submitted before ministerial authority by alleged participation at suspected crime of victim's custody without authorities' authorization, extortion inchoate offences, violent robbery and those resultant in detriment of PA1. In same date, V1 gave ministerial declaration before AR2, whom, on September 30<sup>th</sup>, 2013, decree to victim provisional arraigo (type of informal detention) by term of 20 days. On October 5<sup>th</sup>, 2013 morning, between 10:00 and 11:00 hours, V1 was found dead, hanged with wire in her cell at the operations base of the State Research Police in Guaymas, Sonora. On October 22<sup>th</sup>, 2013 exercised its authority to assert jurisdiction over the case and, aiming to document human rights violations, personnel from this National Commission led several field works to gather testimonies, documents and expert

evidences. Besides, report was required to the Attorney General of Justice and to the State Human Rights Commission, both from the State of Sonora. Now, from the legal analysis led to aforementioned complaint file evidences, the CNDH observed human rights violations to lawfulness, legal certainty, due law enforcement, right to the truth, to honour and image, in detriment to V1, caused by consistent neglect proceedings, and inappropriate evidences protection and care omissions. On these bases Recommendation 73/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_073.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_073.pdf)



**RECOMMENDATION 74/2013**

**MATTER:** Maternity leave limitation, at premature childbirth, by The State's Employees' Social Security and Social Services Institute in detriment of V1 and her underage son.

**RESPONSIBLE AUTHORITY:**

General Director of The State's Employees' Social Security and Social Services Institute

*December 18<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/4/2013/3761/Q, because on February 27<sup>th</sup>, 2013, V1 was on her 34 pregnancy week, when she presented severe pre-eclampsia, thus she went to the High Specialty Hospital "Bicentenario de la Independencia", the State's Employees' Social Security and Social Services Institute (Spanish acronym- ISSSTE) where was stabilized, on March 1st, same year, pregnancy was interrupted by cesarean, she gave birth to V2; underage who stayed at Neonatal Intensive Care Unit for 18 days, while V1, been discharged on the 3, of same month and year.

On March 3<sup>rd</sup>, 2013, AR1 family doctor diagnosed puerperium surgical indirect/ pre-eclampsia and gave medical leave for 60 working days, from February 27<sup>th</sup>, to April 27<sup>th</sup>, 2013, in this regard V1 questioned motive why were deleted

30 days and warned that the neonatologist of the Hospital Pediatrico de Peralvillo, informing her that as the baby boy was premature, he requires early stimulation therapies, to what AR1 answered that the product "hurried ahead.

On April 22<sup>nd</sup>, 2013, V1 presented a writ requiring to AR2 in charge of the Direction of the Clinica Medica Familiar "B", of the Medical Sub-delegation from the Delegation of the State of Mexico, Maternity Leave extension, since the neonatologist from the Hospital Pediatrico de Peralvillo, determined that V2 required special early stimulation therapies to power its optimum development of his motor skill and "neuro-brain."

On April 29<sup>th</sup>, 2013, by ex officio, AR2 in charge of the Direction of the Clinica Medica Familiar "B", of the Medical Sub-delegation of the State of Mexico Delegation, based on article 122 of the Medical Services of the State's Employees' Social Security and Social Services Institute, gave response to V1, where stressed that Maternity leave, are given from the 36 pregnancy week for a period of 90 working days, of 30 working days to protect the mother and the product before the estimate birthing day and 60 days for maternal care, that can't be accumulated nei-

ther after nor before the stipulated and, when product is premature or the insured requires the Maternity Leave, after labor, in this last case, it will be granted for a period of 60 natural days for maternal care.

From legal analysis to evidences of the case, the CNDH observed human rights infringement to lawfulness, equality, dignified treatment and health protection, in detriment to V1. On these bases Recommendation 74/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_074.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_074.pdf)

## RECOMMENDATIONS

### RECOMMENDATION 75/2013

**MATTER:** Right of petition refusal by Public Servants of FOVISSSTE, in detriment of V1 to V13.

**RESPONSIBLE AUTHORITIES:**

Executive member of the Housing Fund of the State's Employees' Social Security and Social Services Institute.

Members of the Executive Commission of the Housing Fund of the State's Employees' Social Security and Social Services Institute.

*December 20<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/4/2012/8795/Q, because on October 5th and 15th, December 10<sup>th</sup>, 2012 and on April 4<sup>th</sup>, 2013, this national Organism received complaint files submitted by V1 to V13, in which they manifested that the Housing Fund of the State's Employees' Social Security and Social Services Institute (Spanish acronym- FOVISSSTE), had failed upon problem raised by victims since 1996, on contractual terms incompleteness on mortgage credit granted to each one, to housing acquisition located in the Neighborhood Fuentes de la Estacion, in Zitacuaro, Michoacan.

Plaintiffs manifested that housing cost would be of 29'000,000.00 (Twenty millions of previous pesos 00/100 M.N.), and its payment will be covered in single payment scheme, by each aggrieved, to the banking institution that will

be established for that purpose, \$ 9'000,000.00 (nine millions of previous pesos 00/100 M.N.) in 9 monthly payments of \$1'000,000.00 (one million of previous pesos 00/100 M.N.) and the rest \$20,000,000.00 (twenty millions of previous pesos 00/100 M.N.), will be paid to FOVISSSTE with bi-weekly discounts to be applied to their salary within the concept 53 or 56, corresponding to the mortgage credit issue, according discount code of each branch; cited discounts were carried out by a short term, since later were done excessive payroll deductions with a different concept 52 or 64, regarding leasing with a purchase option, besides that no loaned capital, official document neither title deeds were given to them.

They pointed out that they exposed their issues before Housing Department of the FOVISSSTE in Morelia, Michoacan, and at its headquarters in Mexico City, but in both instances, they were informed of unawareness of the case and that there wasn't any document related to their loans; in consequence intervention was required from this national Organism, in order for FOVISSSTE, to provide proof upon their loans; as well as public instrument that will accredit their housing property and to respect agreed conditions at Opening Credit Contracts, thus each victim from V1 to V13 opened complaint file.

Now, from legal analysis to aforementioned complaint file evidences, the CNDH observed

human rights infringement to petition, in detriment from V1 to V13, attributable to public servers of FOVISSSTE.

On these bases Recommendation 75/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_075.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_075.pdf)

**RECOMMENDATION 76/2013**

**MATTER:** Petition rights refusal, by Public Servers of FOVISSSTE, in detriment of V1 up to V35.

**RESPONSIBLE AUTHORITIES:**

Executive Member of the Housing Fund of the State's Employees' Social Security and Social Services Institute.

Members of the Executive Commission of the Housing Fund of the State's Employees' Social Security and Social Services Institute.

*December 20<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/4/2013/1750/Q, because on February 25<sup>th</sup>, June 26<sup>th</sup> and August 26<sup>th</sup>, 2013, this national Organism received complaint files submitted by V1 to V35, in which was mainly manifested, that on October 21<sup>st</sup>, 1996, they subscribed individually mutual agreement with interest, loan guarantee, debt recognition with FOVISSSTE and banking institution 1, in order for each one to acquire a flat at the Vallejo SCT Housing Unit; however, since the year 2000, buildings have been presenting structural issues, those that the Secretariat of works and services of the Federal District, by the issued Technical Opinion, handed over to AR3, by

then Head of Supervision Services of the Technical Secretariat of the Housing Fund of the State's Employees' Social Security and Social Services Institute (Spanish acronym- FOVISSSTE) and, was notified that Building A and B, showed collapses by differential subsidence .

They noted that even though since year 2000, FOVISSSTE has been notified about the facing difficulties and that on February 25<sup>th</sup>, 2013, the problematic was jointly presented and by writ before the cited Housing Fund facilities, which up to date hasn't been fulfilled nor given solution to those cases.

By ex officio dated July 19<sup>th</sup> and August 9<sup>th</sup>, 2010 respectively, the Administrative Coordinator of the Directorate for Finance of FOVISSSTE, sent to V1 and V4, copy of the issued closing letters files by the Insurance Company 1, in which was notified, at first, that Policy 1 was in force from January 1<sup>st</sup>, 1999 to December 31<sup>st</sup>, 2010, and due to that their houses' damages occurred on 1998, aren't covered within referred insurance; and, at second, in regard to the ex officio for pension by permanent disability, on March 30<sup>th</sup>, 1998, with life-long validity, doesn't have that protection benefit, in respect to Policy 2.

Now from the legal analysis carried out to case's evidences, this national Organism observed human rights infringement to lawfulness, legal certainty, dignified housing and, of petition, in detriment to V1 to V35, by acts and omissions attributable to FOVISSSTE public servers.

On these bases Recommendation 76/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_076.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_076.pdf)

**RECOMMENDATION 78/2013**

**MATTER:** Excessive force use, undignified treatment, and deprivation of life of V1, in the State of Queretaro

**RESPONSIBLE AUTHORITY:** National Safety Commissioner

*December 20<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/1/2012/7974/Q, because on June 20<sup>th</sup>, 2012, V1 was accompanied with T1, in the immediate vicinity of the gas station located at Kilometer 147+500, of the Federal Road 57-D, So-called "Mexico-Queretaro", who was cleaning wind-screens and was checking tires pressure of vehicles going by that place, according with the foresaid by the victim, four Federal Police elements, attached to the Public Safety Secretariat, arrived and who started to persecute him, facing this T1 and V1 started to run. In this context, Federal Police elements started shouting to stop to T1 and V1, while being shot; later, T1 realized that the aforementioned public servers caught V1 and beat him. Before this situation, T1 went to Q1's home, victim's brother, aiming to inform him about the event. Q1 went to the Public Ministry facilities both of the common jurisdiction as federal, as well as to judicial authority, in order to get information in regard V1 whereabouts, without success; later on, plaintiff went to the Federal Police

offices located nearby San Pedro rest area, in San Juan del Rio, in Queretaro, place where an official from this corporation, told him that his brother was made available to the Public Ministry agent of the local jurisdiction, consequently he transferred himself to that place, where at meeting with V1, he realized that V1 was wet and trembling with cold. Facing the foregoing, Q1 put on V1 his jacket; however, latter asked him to take it off from him because it make the pain of his body and stomach increased; subsequently, plaintiff observed that his brother had injuries in his face and head; besides, he started vomiting and lost bladder or bowel control. Due to V1 bad health status, was taken for his assistance to the General Hospital of San Juan del Rio, attached to the entity Health Services. On June 21<sup>st</sup>, 2012, V1 testified, and where he denied his participation at vehicles' robbery attributed to him and stressed that was detained by four Federal Police elements, those who thrown him on the floor and beat him in several parts of his body with the feet, causing him injuries Likewise, V1 referred before ministerial authority that after his detention, Federal Police elements took him to their corporation facilities, where they continued beating him and interrogating, until was handed over to Police authorities, thus he submitted allegations against cited public servants; however, victim

couldn't continue testifying, due to his bad health status. On June 27<sup>th</sup>, 2012, V1 lost his life pointing out as immediate death cause at autopsy: secondary poly-traumatized to multiple contusions in skull, thorax and abdomen. On August 24<sup>th</sup>, 2012, Q1 submitted before the State Human Rights Commission of Queretaro, which by reasons of competencies was turned to this national Organism, same that required corresponding reports to the then Secretariat of Public Safety, to the Attorney General's Office of the Republic, also to the Secretariat of Health, to the Attorney General of Justice, to First and Fifth District Courts, the latter four of the State of Queretaro. From legal analysis led to case evidences, this national Organism observed rights transgressions to life, dignified treatment, lawfulness, legal certainty, integrity and personal security, as well as to presumption of innocence, in detriment to V1; attributable to AR1, AR2, AR3 and AR4, Federal Police elements, attached to the then Secretariat of Public Safety, respectively.

On these bases Recommendation 78/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_078.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_078.pdf)

## RECOMMENDATIONS

### RECOMMENDATION 77/2013

**MATTER:** V1's Impugnation Appeal

**RESPONSIBLE AUTHORITIES,**

Constitutional Governor of the Free and Sovereign State of Nayarit

*December 20<sup>th</sup>, 2013*

The National Human Rights Commission began impugnation appeal file CNDH/1/2013/57/RI, because on June 29<sup>th</sup>, 2011, V1, male aged 56, went to Emergencies of the Civil Hospital "Dr. Antonio González Guevara", attached to the Health Services of Nayarit, due to clinical profile that presented of the abdominal painful syndrome.

On the 30<sup>th</sup>, of same month and year, he undertook tomography, which documented data of complicated appendicitis, he underwent laparotomy the very next day.

Victim stayed intern and due to urethral pus secretion in his injury, on July 8<sup>th</sup>, same year, he was determined to undergo surgery, finally, was discharged after six days.

On August 12<sup>th</sup>, 2011, each time V1 presented fever, urethral pus secretion at drainage hole, abdominal pain, weight loss, nausea, vomit and difficulty at walking by pelvic pain on the right side, he went to Emergencies of cited hospital, where medical personnel who assisted him diagnosed clinic profile on: malnutrition, postsurgical patient of appendectomy, ileostomy, (opening of the abdominal wall during surgery), more like-

ly abdominal abscess.

Therefore, on August 13<sup>th</sup>, 2011, V1 was admitted to General Surgery Service, with previous hypotrophic extremities and decreased muscle strength, been discharged on the 24<sup>th</sup>, same month and year, without giving special attention to pain and to the edema presented at pelvic on the right side causing him difficulty to walk.

Also, on September 10<sup>th</sup>, 2011, victim presented pain on breast and at pelvic right side, among other symptoms, thus he went again to Emergency at the Civil Hospital "Dr. Antonio Gonzalez Guevara", attached to Health Services of Nayarit, where he was assessed with probable pneumonia medical profile, being admitted at Internal Medicine on the next two days where he stayed inpatient, until the 15 same month and year, without being having practiced pertinent studies to identify his hip decline health status, provoking V1 to remain in bed without standing up.

As his health status didn't improve, and considering that he wasn't getting appropriate medical care, on October 20<sup>th</sup>, 2011, Q1, V1's wife, submitted complaint before the Commission on Human Rights Defense for the State of Nayarit, which was ratified by victim at same date, thus file DH/575/2011 was opened, and once the aforementioned local Organism led correspondent investigations and accredited human rights infringement of the victim, in consequence on November 22nd, 2012, issued Recommendation addressed to the Secretariat of Health of the govern-

ment of the State of Nayarit. However, the head of the Legal Affairs Unit of Health Services in Nayarit, reported that was partially accepted Recommendation 21/2012.

The Aforementioned was informed to Q1, who on February 1<sup>st</sup>, 2013, submitted impugnation appeal. Now from legal analysis led to file evidences, this national Organism accredited transgressions to human rights to health protection and dignify treatment in detriment to V1, attributable to AR1, AR2, AR3, AR4, AR5, AR6, AR7, AR8, AR9, AR10, AR11, AR12, AR13, AR14, AR15, AR16 and AR17, Doctors attached to the Civil Hospital " Dr. Antonio Gonzalez Guevara", belonging to the Health Services of Nayarit.

On these bases Recommendation 77/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_077.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_077.pdf)

## RECOMMENDATIONS

### RECOMMENDATION 79/2013

**MATTER:** Torture and victim's custody without authorities' authorization, in detriment to V1, in Mexico City.

**RESPONSIBLE AUTHORITY:** National Safety Commissioner

*December 20<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/1/2012/5277/Q, because on May 6<sup>th</sup>, 2011, he/she was waiting to take the bus at Bus Station Central del Norte in Mexico City, when several members of Federal Police (Spanish acronym- PF) attached to the then Secretariat of Public Safety (Spanish acronym- SSP), dressed as civilians, those who were bearing fire guns in their hands, pushed him by the back, and beat his head with the butt of a stir and hit him in several parts of his body.

Other public servants of the cited corporation arrived to the scene, who after taking off V1's watch and a chain, they handcuffed him.

The aforementioned elements left the place, taking with them to V1, who was put into the backside of a vehicle, where he was interrogated in regarding a person so-called "EL Villa", and that if he was part of an organized crime group, to which he responded that he ignored of what they were talking about, in consequence they continued beating him.

V1 was taken to the PF facilities in Mexico City, place where

they took off his clothes and shoes, and being obliged to stay stand up facing the wall for about 6 hours approximately, while, as manifested, was beaten and interrogated; besides, that was taken to other places, where they continued aggressions; and in accordance to victim, a cloth was put over his nose where they poured water aiming to drown him.

Subsequently, elements of the PF ordered to V1 to put on his clothes, that after taking pictures and taking him to The Deputy Attorney General's Office for Special Investigation (Spanish acronym- SIEDO) Attorney General's Office (Spanish acronym- PGR), he was submitted to the ministerial authority at 13:00 hrs on May 2011, he noted to be forced to sign a declaration under the menace that if it didn't do it, "they would place drugs to his sons"; also, he said that his injuries being inflicted, provoked him a hernia in the left groin.

By aforementioned, on April 17<sup>th</sup>, 2012, V1 submitted writ of complaint before the Human Rights Commission of the State of Morelos, which by competency reasons it was turned to this national Organism, same that required correspondent reports to the then SSP, and to PGR, as well as to the Eight District Criminal Court in the State of Jalisco.

From legal analysis carried out to the file evidences, this national Organism accredited human rights infringements to lawfulness, legal certainty, dignified treatment, integrity and

personal safety; also to liberty, in detriment to V1, attributable to public servants of the Federal Police, attached to the then Secretariat of Public Safety.

On these bases Recommendation 79/2013.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_079.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_079.pdf)

**RECOMMENDATION 80/2013**

**MATTER:** Deprivation of life of 72 migrants and attempts upon aliens' life, V73 and V74, at the Municipality of San Fernando, Tamaulipas.

**RESPONSIBLE AUTHORITIES:**

Federal Public Prosecutor  
Constitutional Governor of  
the State of Tamaulipas

December 23<sup>rd</sup>, 2013

The National Human Rights Commission began complaint file CNDH/5/2010/4688/Q, because on August 25<sup>th</sup>, 2010, at El Universal newspaper website, was published "72 migrants dead at a pit in Tamaulipas", by what was disseminated, that a man went to the highway control post by the Secretariat of Navy, in the vicinity of San Fernando, Tamaulipas

to ask for medical care, since he showed bullet injury, stressing he was shot at a nearby ranch, by members of a criminal group; that he and other migrants of different nationalities, at travelling to the United States of America, were intercepted by referred criminals, and at their refusal to work as hired killers to their service, almost all were deprived of their life. On August 25<sup>th</sup>, 2010, personnel from this national Organism went to the facts' scene, to conduct required investigation. Besides, for appropriate file integration, reports were required to the Secretariat of Health, Secretariat of External Affairs, Attorney General's Office, National Immigration Institute, Secretariat of Federal Public Safety, Federal Commission on Sanitary Risks Protection; Attorney General of

Justice of the State of Tamaulipas, also Attorney General of Justice of Mexico City. From legal analysis carried out by this autonomous Organism to case's evidences, warns human rights violations to lawfulness, legal certainty, law enforcement access, to the truth, dignified treatment and to honour, related to the life loss of 72 migrants of different nationalities; likewise, there were found human rights violations to lawfulness, legal certainty in detriment to V73 and V74, also to privacy and protection of identity data of V73, those who survived to facts.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_080.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_080.pdf)

**RECOMMENDATION 81/2013**

**MATTER:** Human rights violations to lawfulness, legal certainty and dignified treatment to V1, Cuban

**RESPONSIBLE AUTHORITY:**

Commissioner of the National Immigration Institute

December 23<sup>rd</sup>, 2013

The National Human Rights Commission began complaint file CNDH/5/2013/4649/Q, because on June 11<sup>th</sup>, 2013, at visiting Migratory Station in Mexico City, personnel from this National Commission received complaint submitted by V1, Cuban older adult, in which he make it worthy, that since

eleven years ago lives in Mexico; that he used to have his migratory documents accrediting his legal status in this country, consequently on December 20<sup>th</sup>, 2012, decided to go for a vacation to Cuba. That at his return, on January 10<sup>th</sup>, 2013, public servants from the National Immigration Institute, at the International Airport in Mexico City noted irregularities in his migratory documents, so his entrance to the country was refused, and from January 10<sup>th</sup>, to the 16<sup>th</sup>, referred institute's personnel have tried, for six consecutive occasions, to taking him back to Cuba. On January 16<sup>th</sup>, 2013, was transferred to the migratory station in Mexico City,

in order to house him, meanwhile the rejection was enforced, where he stayed more than four months. From legal analysis conducted to the referred complaint file evidences, the CNDH observed human rights violations to lawfulness, legal certainty and to dignified work, by consistent facts of victim's custody without authorities authorization, inappropriate public service provision, as well as actions and omissions infringing rights of migrants and their relatives. On these bases Recommendation 81/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_081.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_081.pdf)



## RECOMMENDATIONS

## RECOMMENDATION 82/2013

**MATTER:** Inappropriate law enforcement in detriment to V1, V2, V3, V4, V5, V6, V7, V8, V9, V10 and V11, Human Rights Defenders

**RESPONSIBLE AUTHORITY:** Constitutional Governor of the State of Chihuahua

*December 23<sup>d</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/5/2011/1385/Q, because by newspaper notes published on January 5<sup>th</sup>, 2010, in the newspapers "EL Universal" and "La Jornada", among others, it was learnt that on the 3rd of the same month and year, V1 was deprived of his life, civil defender and member of the ONG1, by a group of men that shot her with fire gun. V1 carried out hunger strike claiming his son's appearance who was kidnapped by federal agents and that subsequently she was detained for heading a protest, after another of her sons (V9) was deprived of his life. Likewise, the victim led several marches and movements against repression, violence and human rights violations by federal forces concentrated in Ciudad Juarez, Chihuahua, to combat organized crime, besides participating in forum against militarization and repression, organized by the ONG2 On August 19<sup>th</sup>, 2010, were published at "El Universal" and "La Jornada", among other media, newspaper notes where was reported that on the 18 same month and year, V2, member of the ONG3 and brother of V1, was deprived of his life by gunfire shots, in the municipality of Guadalupe, Bravos District, Valle de Juarez, Chihuahua. On February 8th, 2011, it was reported that on the 7th same month and year, V4, V5 and V6 were deprived of their liberty by an armed group. On February 15<sup>th</sup>, 2011, was stated that an armed group put on fire the house of V7, mother of the aggrieved. On February 17<sup>th</sup>, 2011, personnel from this National Commission visited the open area of facilities of the General Prosecutor of the State of Chihuahua, North Zone, where the aggrieved family members ex-

pressed themselves at facing lack of information upon advances on homicides investigations of V1 and V2, as well as disappearances of V4, V5 and V6. On February 18th, 2011, personnel from the CNDH attended working meeting, held at the facilities of the Human Rights Commission in the State of Chihuahua, summoned by the Secretariat of Interior, to study the case of V1, V2, V3, V4, V5 and V6, in which authorities from the Secretariat of National Defense, Secretariat of Foreign Affairs, the then Secretariat of Federal Public Safety, General Secretariat of the Government of the State of Chihuahua, aggrieved representatives and of the Office of the High Commissioner for Human Rights of the United Nations, attended, in which were exposed committed facts in detriment to victims and their relatives, taking into consideration petitions to ensure their safety and committing the cited authorities to analyze them and providing response. Regarding with aforementioned events, on February 22<sup>th</sup>, 2011, Q1 and Q2 complaint was received, by then federal legislators, and who claimed intervention of this national Organism, whenever that on February 7<sup>th</sup>, 2011, V4, V5 and V6, relatives of V1 and V2 were deprived of their liberty by an armed group, unknowing their whereabouts. Adding that state government authorities haven't received relatives of the aggrieved, without providing them advances regarding investigations of the other committed crimes against them, neither provided protection from aggressions risking their life, nor showed interest at investigating victims' whereabouts of the disappeared as of the responsible of crimes; stressing the violence environment surrounding that family taking in account that on February 15<sup>th</sup>, 2011, V7's house was burned, mother of V1, V2, V3, V4, V5 and V6. On February 25th, 2011, this National Human Rights Commission, called for the Secretariat of the Interior precautionary measures implementation in favor to the relatives of the aggrieved, organism which in turn accepted the requirement. On February 25<sup>th</sup>, 2011, it was

disseminated by several media, that dead bodies of V4, V5 y V6 were located at the vicinity of the Valle de Juarez, in the municipality of Guadalupe, Chihuahua. On February 25<sup>th</sup>, 2011, personnel from this National Commission met at the open area of the Senate of the Republic, where V3, V7 and V8 established a camp aiming to demand that V4, V5 and V6 be presented alive, in which, jointly with Q1 and Q2, as well with the attendance of the medical-forensic expert appraiser from this institution, was led accompaniment to victims at their return to Ciudad Juarez, Chihuahua. Facing this situation, on March 2<sup>nd</sup>, 2011, V3 was transferred to Mexico City, together with 25 relatives to avoid to continue aggressions against them; due to this, on March 9<sup>th</sup>, same year, this national Organism requested to the Secretariat of Public Safety and to the Attorney General of Justice, both located in Mexico City, to implement precautionary measures towards family members of the aggrieved, branches that at its time, accepted the requirement. On April 4<sup>th</sup>, 2011, it was published at website of "La Jornada", among other media, newspaper note reporting that on the 2, same month and year, an armed group burned the homes of V1 and of V8. Now from legal analysis conducted to the referred complaint file evidences, the CNDH observes human rights violation to legal certainty, lawfulness, integrity and personal safety, also to appropriate law enforcement, in detriment to V1, V2, V3, V4, V5, V6, V7, V8, V9, V10 and V11, derived to irregularities attributable to public servants of the General Prosecutor's Office if The State of Chihuahua. On these bases Recommendation 82/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_082.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_082.pdf)

**RECOMMENDATION 83/2013**

**MATTER:** Excessive force use, in detriment to V1 and V2, and deprivation of life of V1, humiliating treatment and inappropriate law enforcement to V2

**RESPONSIBLE AUTHORITIES:**

National Safety Commissioner

Constitutional Governor of the State of Mexico

Members of the City Council of Tlanepantla de Baz, State of Mexico

*December 24<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/1/2013/2551/Q, because on April 5<sup>th</sup>, 2013, V1 and V2, students of the Facultad de Estudios Superiores Acatlan of the Universidad Autonoma de Mexico (UNAM), was travelling on vehicle No. 1, at road called Boulevard Manuel Avila Camacho, nearby the neighborhood Industrial San Nicolas, in the municipality of Tlanepantla de Baz, State of Mexico, driving from south to the north. V2 was driving the cited car in the fast lane between two vehicles; in front of them was Vehicle No. 2 and behind was Vehicle No. 3, both showing telecommunications enterprise logo. As vehicle No. 3 was circulating in a slow speed, V1 flashed his lights in order to make him to moved aside to let him pass; but in that moment, the foregoing chauffeur of Vehicle No. 3 full stopped, and a male person (AR1) in civilian clothes come out from the copilot place and aimed his fire gun towards



them. V2 at noticing the reaction, made a maneuver trying to avoid Vehicle No. 3, running over AR1, and at

continue moving he listened to several gun shots, in part observed, that various people

were shooting to rear of the foregoing Vehicle No.1, and furthermore, that V1 had been wounded in the abdomen, precisely by one of the fired bullets. Of those aggressors, later was known those were elements of the Federal Police attached to the National Safety Commission, and that at facts' scene, were present 11 public servants of the cited corporation. Immediate Reaction group elements, attached to the General Commissariat on Citizenship Safety from the City Council of Tlanepantla de Baz, State of Mexico, later arrived to the scene, being detained V2 and five public servants of the Federal Police (AR2, AR3, AR4, AR5 and AR6), those who were submitted to AR18, Public Ministry agent located in Atizapan de Zaragoza, in that federative entity. According to the manifested by V2, the aforementioned municipal elements stripped off his belongings and injured him in diverse parts of his body. AR1, Federal Police element, was transferred to a private hospital to his assistance, located in the municipality of Naucalpan de Juarez, State of Mexico, and V1 was taken to the High Specialties Hospital " Bicentenario de la Independencia" of The State's Employees' Social Security and Social Services Institute (Spanish acronym- ISSSTE), located in Tultitlan

de Mariano Escobedo, in same federal entity, where later on lost his life, pointing out at the legal necropsy as death causes; gunshot wound penetrated in the abdomen. From legal analysis conducted to the file evidences, this national Organism found human rights transgressions to life in detriment to V1, as well as to integrity and personal safety, in detriment to V1 and V2, attributable to public servants of the Federal Police. Likewise, V2 rights were infringed to dignified treatment, lawfulness, legal certainty and appropriate law enforcement, by elements of the Group of Immediate Reaction of the General Commissary of Citizenship Safety of the City Council of Tlanepantla de Baz, State of Mexico and the Attorney General of Justice of same federative entity, respectively. On these bases Recommendation 83/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_083.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_083.pdf)

## RECOMMENDATIONS

### RECOMMENDATION 84/2013

**MATTER:** Deficient provision of public safety, to Tzotziles indigenous people from the Ejido (common land) Chignton of the municipality de Ixtapa Chiapas and of inappropriate law enforcement

#### RESPONSIBLE AUTHORITIES:

Constitutional Governor of the State of Chiapas

Members of the City Council of Ixtapa, Chiapas

*December 26<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/4/2012/3433/Q, because on January 23<sup>rd</sup>, 2012, Q1 submitted writ of complaint at the then State Council of Human Rights of Chiapas, on behalf of V1, V2, V3, V4, V5, V6, V7, V8, V9, V10, V11, V12, V13, V14, V15, V16, V17 and V18, all tzotiles indigenous people inhabitants of the Ejido (common land) de Chignton, municipality of Ixtapa, in the state of Chiapas, against ARI, Prosecutor of the Public Ministry, head of Procedures' Table II, at Downtown District of Chiapa de Corzo, in that federative entity, by the delay to integrate and determine Previous Inquiry 1, since October 21<sup>st</sup>, 2010, was reported to ejido authorities, of crimes attempting against peace, unlawful association, extortion, robbery, dispossession, damages, threats, burglary, forgery of documents, without being determined the research. For that reason, the human rights protector state organism lodged file CEDH/0093/2012, issuing on January 27<sup>th</sup>, 2012, precaution-

ary measures addressed to the General Secretariat of Government, to the Secretariat of Safety, to the Attorney General of Justice and, to the then Municipal President of Ixtapa, in order to safeguard peace and physical integrity of the aggrieved, and to avoid difficult damages or impossible to repair.

On February 29<sup>th</sup>, 2012, the then State Council of Human Rights of Chiapas, received complaint by V17, V18, V19, V20, V21, V22, V23, V24, V25, V26, V27 and V28, those who manifested, in essence, that the then ejido authorities, as well as some inhabitants of the ejido (common land) Chignton, were impeded to access to medical visits at the IMSS-OPORTUNIDADES clinic, located in that same place, for these reasons file CEDH/0269/2012 was opened, accumulated on next March 5<sup>th</sup>, to diverse file CEDH/0093/2012. On March 6<sup>th</sup>, 2012, the then State Council on Human Rights of Chiapas, agreed to turn to this national Organism, file CEDH/0093/2012 and its accumulated CEDH/0269/2012, by competency reasons.

On March 28<sup>th</sup>, 2012, by writ of input to this National Commission, Q1 and V1, detailed that at community Assembly, on November 23<sup>rd</sup>, 2011, was determined as sanction for not comply with fees payment imposed by ejido authorities, bans of access to the aggrieved to medical services, electric power, drainage and potable water, also children to elementary school service and kindergarten, without having any authorities to support them.

From legal analysis carried out to case evidences, this national Organism accredited transgressions to human rights to legal certainty and lawfulness, in detriment to V1, V2, V3, V4, V5, V6, V7, V8, V9, V10, V11, V12, V13, V14, V15, V16, V17, V18, V19, V20, V21, V22, V23, V24, V25, V26, V27, V28, V29 and V30, by public servants of the Government of the State of Chiapas and of the City Council of Ixtapa, by reasons inappropriate provision of public safety service; by actions and omissions infringing rights of indigenous community Tzotzil of the Ejido Chignton, Ixtapa, Chiapas; as well as by omitting to conduct diligences to accredit probable responsibilities to indicted, and to delay within law enforcement; without certified participation in the events, by federal authority.

On these bases Recommendation 84/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_084.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_084.pdf)

**RECOMMENDATION 85/2013**

**MATTER:** Human rights infringement to education, freedom of beliefs and development, in detriment to inhabitants of the Nueva Jerusalem Community, Municipality of Turicato, Michoacan

**RESPONSIBLE AUTHORITY:**

Governor of the State of Michoacan de Ocampo

*December 26<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/2/2012/7604/Q, because at the community of Nueva Jerusalem, municipality of Turicato, in the State of Michoacan, there is religious conflict keeping inhabitants divided; in a side is a religious group, which members object against secular public education to be given within their community, in the other side, the group so-called lay persons, those who after several years of efforts reached, on 2007, that elementary school "Vicente Guerrero" be established.

This conflict grew in such proportions that in 2010 and 2011, members of the religious group took over the aforementioned school to the extent that on July 6<sup>th</sup>, 2012, by religious leaders' orders, destroyed and burned its facilities.

Subsequently, on August 21<sup>st</sup>, 2012, through several media became known, that on Monday 20, same month and year, a group of inhabitants belonging to the religious group of the Nueva Jerusalem community, in spite of having destroyed the school, they obstructed routes of access to town and violently prevented the crossing of children, parents and teachers for the beginning of the school year.

In order to document human rights violations, were required reports to the Secretariat of Government, to the Secretariat of Education and to the Attorney General of Justice, all from the State of Michoacan, to the Municipal Presidency of Turicato, Michoacan, as well as to the Secretariat of Public Education, to the then Secretariat of Federal Public Safety and to the Secretariat of the Interior.

Besides, the regional auxiliary visitor of the State Commission of Human Rights of Michoacan, submitted to this National Commission, file 1 opened in that local organism.

Now, from the legal analysis conducted to case evidences, this autonomous Organism found human rights violations to education, freedom of beliefs, to development, equality and legal certainty, to inhabitants of the Nueva Jerusalem community, municipi-

ality of Turicato, in the State of Michoacan, and specially to human rights infringement to the community children.

On these bases Recommendation 85/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_085.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_085.pdf)

## RECOMMENDATIONS

### RECOMMENDATION 86/2013

**MATTER:** Inappropriate medical care and V1's life loss, attributable to personnel of the National Institute of Social Security (Spanish initials – IMSS) in Mexico City.

#### RESPONSIBLE AUTHORITY:

General Director of the National Institute of Social Security

*December 27<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/1/2012/6775/Q, because on November 2<sup>nd</sup>, 2010, personnel of the National Institute of Social Security (Spanish initials – IMSS) practiced prostate ultrasound to V1, male by then aged 58, which showed prostate growth in 2<sup>nd</sup> grade, as well as echogenic and hypoecogenic images at the periphery and central zones of the prostate. Consequently, victim was taken for his care to the General Regional Hospital No. 1 “Dr. Carlos Mac Gregor Sanchez Navarro”, of that Institute in Mexico City, where was assessed by several doctors attached to the General Surgery and Urology services.

Later on, on February 17<sup>th</sup>, 2011, at the cited hospital, prostate biopsy was taken to V1, that the 22 of same month and year, results showed positive to adenocarcinoma with gleason pattern 9 (5+4) with vascular permeation, bilateral perineural invasion; thus, on next 25 same month, victim was diagnosed with clinical profile of prostate cancer T3b.

On April 2011, V1 was assessed

again in the cited IMSS Hospital, being diagnosed with medical profile of prostate cancer T4N1M0, by which was determined that on the 26 same month and year, he underwent surgery and practiced a transurethral prostatic resection (technique of prostatic resection) and an bilateral simple orchiectomy (removal of both testicles).

Later on, on May 26<sup>th</sup>, and August 29<sup>th</sup>, 2011, as well as March 16<sup>th</sup>, 2012, v1 was assessed by personnel attached to the Urology service in the aforementioned hospital, since his last clinical profile with prostate cancer gleason 4+4 and his management plan had to be modified. V1 continued receiving medical care in the foregoing hospital of the IMSS, on May 2, 7, 13 and 23, on June 7, and 25 and July 6, 2012; besides, on July 11 and 13 same year stayed intern at the cited hospital, being discharged by improvement with diagnosis of urinary tracts infection and Water-Electrolyte and hyponatremia imbalance, without taking into consideration his oncological illness, during this last hospitalization.

Whenever Q1 considered that his father wasn't receiving the medical care he required, on July 11th, 2012, submitted complaint file before this National Commission, which required corresponding reports to the Coordination of Beneficiary Complaints Care and Guidance of the IMSS.

On October 17th, 2012, V1 was reassessed at the Oncology Hospital in the National Medical Center “Siglo XXI” of the IMSS, where after his health status was stabilized, was de-

termined to hospitalize him again at the Regional General Hospital No. 1 “Dr. Carlos Mac Gregor Sánchez Navarro”, who was admitted on the 30 same month and year, with clinical profile of unspecific colitis, diverticular disease, deep vein thrombosis on right pelvic limb, urinary tract infections in remission, prostate cancer, systematic high blood pressure, however, on November 8th, 2012 victim passed away, at death certificate was pointed out as death cause: prostate adenocarcinoma clinical stage IV.

From legal analysis conducted to case's evidences, this National Commission accredited rights violations to dignified treatment, to health protection and to life in detriment to V1, attributable to medical personnel attached to the Regional General Hospital No.1, “Dr. Carlos Mac Gregor Sanchez Navarro” of the IMSS.

On these bases Recommendation 86/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_086.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_086.pdf)



## ARTICLE OF THE MONTH

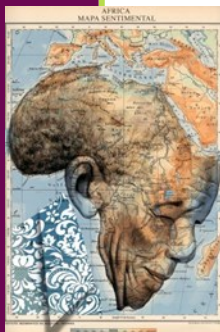
**Praise to Nelson Mandela**

By Mario Vargas Llosa

**He changed South Africa's history in an unbelievable manner and demonstrated, with his intelligence, honesty and courage, that in politics field sometimes miracles are possible**

Nelson Mandela, the politician most venerable on this troubled times, is dying in a Hospital of Pretoria and is probable when this article is published he will be death, few weeks before his 95 birthday and being revered worldwide. By

once, we must be sure that all praises taken to his grave will be right, since the South African statesman changed his country's history in an unbelievable way and demonstrated, with his intelligence, skill, honesty and courage, that in politics field sometimes miracles are possible.



All that developed, before that in the history, in his conscious loneliness, at the desolated prison at Robben Island, where Mandela arrived on 1964, to fulfill forced works, penalty for life. Conditions in which the apartheid regime maintained to politic prisoners in that island surrounded by whirlpools and sharks, in front of Cape City, were terrible. A tiny cell that looked like a niche or a beast lair, a straw matting, corn soup three times a day, obligatory dumbness, half an hour visit every six months

and right to write and receive letters twice a year, in which he wasn't ever able to mention politics nor about the very latest. The first nine years of the twenty seven that he stayed at Robben Island, went by within that isolation, asceticism and lonesomeness.

Instead of committing suicide or going crazy, like a lot of inmates, in those nine years Mandela meditated, reviewed his own ideas and ideals, conducted radical self-criticism on his convictions and reached that serenity and wisdom that from that moment would guide him at all his political initiatives. Even though he never agreed with the resistance thesis showing an "Africa for the Africans" and that they wanted to throw to the sea all white people of South African Union, in his party, the African National Congress, Mandela, as well as Sisulu and Tambo, moderated leaders, was convinced that the racist regime and totalitarian only could be defeated within armed actions, sabotages and other forms of violence, and in order to do so he formed that staying in the country could be possible and necessary between two communities, when South Africa became activists command groups called Umkhonto we Sizwe, that sent military youths to be trained to Cuba, China, North Korea and Eastern Germany. It should have taken him a lot of time - months, years- to convince himself that all that idea against oppression's fight, and racism in South Africa was wrong and inefficient and to have to relinquish

to violence and to opt by peaceful methods, this means, to negotiate with leaders of the white minority- a 12% of the country unfairly exploits and discriminates the rest 88%-, to which it has to be persuade a democracy governed by colored majority. Mandela is the best example we have- one of the rare cases in our days- that politics, believed by a lot of people, is not only a dirty duty and mediocre, that serves to thieves to enrich themselves and to lazy bones to survive without doing nothing, but an activity that can also improve the life, replacing fanaticism for tolerance, hate for solidarity, injustice of justice, selfishness for common good, and that there are politicians, like the south African statesman, that left his country and the world, much better than how they found it. © Press Worldwide rights in all languages reserved for Editing EL PAÍS, SL, 2013.

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[http://elpais.com/elpais/2013/06/27/opinion/1372345409\\_851455.html](http://elpais.com/elpais/2013/06/27/opinion/1372345409_851455.html)

**BOOK OF THE MONTH****HUMAN RIGHTS ¿STILL?**

By: Diverse Authors

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BLANCH

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DETALLES

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I like to finish most of my speeches recalling the first article of the Universal Declaration of Human Rights which states: "All human beings are born free and equal in dignity and rights are endowed with reason and conscience and should act towards one with others."

Also whenever I can repeat something that I firmly believe "every law firm has an office of Human Rights."

A social engagement, civic and professional commitment that together should be enough to keep anywhere in the world will prevent or hinder the right to justice, freedom and equality, the rights of defense of citizens, whether regardless of age, color, race, ideology, religion ...

Sixty-five years after visionaries approved the Universal Decla-

ration of Human Rights cannot be denied that we have advanced and that in many parts of the world, citizens have at least, the protection of the laws and of judges.

But still many countries, continents where Justice, in upper or lower case, is only a desideratum, where citizens are still slaves, subjects of other citizens without more merit than them, where rights is a word that still is defending with blood-sometimes even with death-and not with lawyers, judges and law

There is much, too much ground to conquer so that men be equal in dignity and rights and to behave fraternally towards each other.

We barely managed to walk a few miles in the marathon for Human Rights. And many have already fallen by the wayside.

**Carlos Carnicer**

Chair of the General Council of Spanish Lawyers



<https://www.porrúa.mx/pagina-interior.php?id=831952>



## Newsletter

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Defends and Protects your Rights**

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