

(Google Translation)

<http://www.cndh.org.mx/recomen/recomen.asp>

CNDH Recommendation

September 26, 2008

50/2008

ON THE CASE OF MURDER OF MR Bradley Roland Will, a
photojournalist Indymedia.

Mexico, D. F., Sept. 26, 2008.

LIC. Eduardo Medina Mora Icaza
ATTORNEY GENERAL OF THE REPUBLIC

LIC. Ulises Ruiz Ortiz
GOVERNOR'S CONSTITUTIONAL STATE OF OAXACA

DPI. HERMINIO CUEVAS MANUEL CHAVEZ
CHAIRMAN OF THE COMMISSION'S GREAT ROOM CONGRESS
THE STATE OF OAXACA

Distinguished Gentlemen

The National Commission on Human Rights, based on Articles 102, paragraph B of the Constitution of the United Mexican States; 10., 3., 6th. Fractions I, II and III; 15, section VII; 24, paragraphs II and IV, 42, 44, 46 and 51 of the Law of the National Commission on Human Rights, as well as 14, first paragraph, 89, 128, 129, 130, 131, 132, 133 and 136, of its Rules has examined the contents of the dossier 2006/4886/5/Q, related to the complaint that began officially in connection with the murder of Mr Bradley Roland Will, a photojournalist from Indymedia and viewed the following:

I. FACTS

A. On the occasion of the death of journalist Bradley Roland Will, which occurred on October 27, 2006, staff of the National Commission moved to Oaxaca City, Oaxaca, 28

this month and year to gather information and documentation respectively. It was held an interview with the Public Ministry agent of the ordinary, attached to the Red Cross, who reported the first trial conducted the preliminary investigation 1247/CR/2006, which began in the Attorney General for the state of Oaxaca .

On October 29, 2006, upon the creation of new account, staff of this institution with a staff of the Public Ministry to consult the proceedings conducted in that investigation, reported on its referral to the Directorate of preliminary investigations for its continuation, without However, the public servant said he was physically not know where the holder of that analysis, and although it insisted on days subsequent to access this questioning, this was not possible.

B. On October 30, 2006, in terms of Articles 102, paragraph B of the Constitution of the United Mexican States; 6. Fraction II, subsection b) and 24, section II of the Act the National Commission on Human Rights, as well as 14, first paragraph, and 89 of its Rules, was determined to lie on its own file complaint 2006/4886/5/Q and exercise the power of attraction of the event-related facts on which he was deprived of his life Mr Bradley Roland Will, a photojournalist for Indymedia, under the facts and on the grounds that transcended the interest of that state.

C. For documentation of the case, information was requested from the Attorney General for the state of Oaxaca, the Municipality of Santa Lucia del Camino on Oaxaca's state and the Attorney General's Office.

D. Requested the support of specialists in forensic medicine, criminology, computer, audio and video, who retook areas, signs and situations in order to clarify the dynamics of the events, with the technical-scientific underpinning the expert knowledge.

II. EVIDENCE

1. Minutes circumstances of October 28, 2006, in which staff of the National Commission notes that the agency was established in the Ministry of Public based in the Mexican Red Cross, the city of Oaxaca de Juarez, Oaxaca, and

consulted the proceedings conducted so far in the preliminary 1247/CR/2006, which was launched in connection with the murder of journalist Bradley Roland Will.

2. Agreement on October 30, 2006, which is determined by the start of motion and exercise the power of attraction regarding the case.

3. Minutes circumstances of October 31, 2006, which notes that the Ministry of Public agency based in the Red Cross reported that the questioning 1247/CR/2006 had been forwarded to the Director of preliminary investigations of the Attorney General Justice of the state of Oaxaca, without specifying where they could be located; equally, it is stated that efforts were made with the head of the Monitoring and Advisory Unit of the Secretariat for Human Rights of the executive branch of the state of Oaxaca, who, prior efforts with officials from the Attorney General's Office, reported that no one could see the preliminary investigation related to the facts.

4. Minutes of circumstantial 1 and Nov. 2, 2006, which notes that staff of the National Commission contacted the Secretary for Human Rights of the executive branch of the state of Oaxaca, to perform the steps leading to access the said a preliminary investigation, without obtaining positive results.

5. Minutes circumstances of Nov. 3, 2006, which notes that staff of the National Commission was constituted in the Regional Prison of Villa de Etla, Oaxaca, in order to verify whether the center had been made available to the authority likely responsible.

6. SA/5049 motion of November 11, 2006, by which the then Attorney-General of Oaxaca state refers, in part, the report required by the National Commission.

7. Note journalistic published in a newspaper of national circulation, the November 14, 2006, which stipulates that half had access to several expert opinions of the case concerning the death of journalist Bradley Roland Will.

8. Notes journalistic November 16, 2006, published in the newspapers Reforma and La Jornada, related to the press conference that gave the then Attorney-General of Oaxaca state, with regard to the facts.

9. Note journalistic published on November 24, 2006, in a newspaper of national circulation, related to the interview with the then Attorney-General of the state of Oaxaca.

10. Minutes circumstances of Dec. 7, 2006, in which staff of the National Commission finds the consultation of the preliminary investigation PGR/OAX/OAX/FP/08/2006, the delegation of the Attorney General's Office in the state of Oaxaca, which was launched in connection with the murder of journalist Bradley Roland Will.

11. SA/5542 motion of December 8, 2006, which was received by the National Commission on 18 this month and year, by which the then Attorney-General of the state copy of the proceedings conducted in the preliminary 1247 / CR/2006, to Nov. 30, 2006, five compact discs on the videos broadcast by TV Azteca, Televisa, Indymedia, as well as the autopsy carried the body of Bradley Roland Will, and photographs related to this intervention.

12. Trades 1926 and 4611, to Jan. 25 and Feb. 15, 2007, respectively, which has requested further information to the Attorney General for the state of Oaxaca.

13. Trades 4629 and 7795, to Feb. 15 and March 12, 2007, respectively, which has requested information related to the facts mayor of Santa Lucia del Camino, Oaxaca.

14. Minutes circumstances of February 16, 2007, which notes that the consultation staff of the National Commission conducted a trial conducted the preliminary investigation PGR/OAX/OAX/FP/08/2006, who joined the delegation the Attorney General's Office in the state of Oaxaca.

15. Minutes circumstances of February 16, 2007, which notes that staff of the National Commission, together with experts, was formed in the Avenida Juarez in the town of Santa Lucia del Camino, Oaxaca, to perform the inspection of the place where was deprived of his life reporter Bradley Roland Will, as well as the respective measurements and expert evidence.

16. SA/890 offices and SA/1033 of Feb. 20 and March 1, 2007, respectively, through which the Attorney General for the state of Oaxaca copy of the proceedings conducted the preliminary investigation 1247/CR/2006, to February 20,

2007, as well as copy of the expert opinion offered by the defense of the accused in criminal proceedings 172/2006, without being addressed in Sections 3 and 4 required by the National Commission, concerned with reports rendered by the Ministerial Police during the investigation of the facts, as well as access to be provided with a means of communicating national circulation of videos and expert opinions related to the case.

17. Certified copy of the preliminary 1247/CR/2006, which was launched in connection with the murder of Mr Bradley Roland Will, with performances at the Feb. 20, 2007, which include:

Diligence inspection, description and lifting body of October 27, 2006.

Motion without number, from October 27, 2006, on the medical examination conducted by the foreign expert physician of the Attorney General for the state of Oaxaca.

Statements by October 27, 2006, to the people who assist and moved to Mr Bradley Roland Will the day of the incident.

Hearing of the U.S. Consul, who identified the body legally and paid testimony on Oct. 28, 2006.

Opinion ballistics of October 30, 2006, signed by the ballistics expert from the Attorney General for the state of Oaxaca.

Declaration of suspects rendered on October 30, 2006.

Ocular inspection conducted on Oct. 31, 2006, at the place where the incidents occurred.

Results of an autopsy performed on October 27, 2006, the body of Bradley Roland Will.

Opinion planimetry of October 31, 2006.

Opinion ballistics of October 31, 2006, signed by the expert from the Attorney General for the state of Oaxaca.

SO appropriation of November 1, 2006, issued in the preliminary 1247/CR/2006.

Diligence ocular inspection conducted by the Cabinet and experts on November 3, 2006.

Opinion chemical November 3, 2006, practiced with the color black shirt he was carrying the victim.

The opinion chemical November 3, 2006, on proof of Walker practiced with the shirt he was carrying Bradley Roland Will.

Expansion of medical opinion outside of Nov. 7, 2006, signed by an expert from the Attorney General for the state of Oaxaca.

Second opinion from planimetry of November 10, 2006.

Opinion comparative criminology November 11, 2006.

Opinion of criminalistics of November 15, 2006, signed by experts from the Attorney General for the state of Oaxaca.

Research Report on November 16, 2006, surrendered by the Ministerial Police in the state.

Resolution of November 24, 2006, by which the second criminal court of the District Judicial Center authorizes the taking of digging required by the Public Ministry agent, in a home where he apparently was the white Volkswagen vehicle in which he was moved by Mr Bradley Roland Will.

Expanding statement of the driver of the van yellow, which was equally moved by Mr Bradley Roland Will, rendered the November 29, 2006.

18. Certified copy of the criminal proceedings 172/2006, which were instructed to two people identified as likely responsible for the murder of journalist Bradley Roland Will, which highlights:

Preparatory statement rendered by the accused on November 3, 2006.

Opinion rendered by the expert offered by the defense of the accused on November 4, 2006.

End of constitutional order on November 4, 2006, that dictate determines formal imprisonment to the accused.

Resolution of the incident released by fading to process data issued by Justice's Criminal Judicial District of Villa de Etla, Oaxaca, in the case 172/2006, on November 28, 2006.

19. SA/1215 motion of March 16, 2007, whereby the director of Human Rights of the Attorney General of Oaxaca state sent some of the information requested from this unit.

20. Minutes circumstances of March 20, 2007, in which staff of the National Commission recorded the interview with parents and siblings of the injured Bradley Roland Will.

21. Trades 8429 and 8430, to March 20, 2007, which has asked the Attorney General's Office and the state government of Oaxaca, respectively, to implement precautionary measures derived in order to ensure free transit and stay in Oaxaca City, Oaxaca, the family of Will, in addition to giving them access to preliminary investigations related to the facts.

22. Ruling 8539, from March 21, 2007, which sought further information to the Attorney General for the state of Oaxaca, a document of which acknowledged receipt on 22 of the same month and year.

23. SUBDH/DGQ/401 offices and SUBDH/DCQ/407, 21 and March 26, 2007, respectively, through which the undersecretary for Human Rights executive of the state of Oaxaca reported on the acceptance of the precautionary measures requested and, for compliance, tour instructed the Attorney-General of that entity and to the Secretary of Citizen Protection.

24. 1154/DGPCDHAQI/07 offices and 1226/DGPCDHAQI/07 of 26 and March 29, 2007, respectively, through which the director general for the Promotion of Culture on Human Rights, Care Complaints and Inspection of the Attorney General's Republic refers report of the state that holds the preliminary PGR/OAX/OAX/FP/08/2006.

25. SA/1723 motion of April 24, 2007, whereby the director of Human Rights of the Attorney General of Oaxaca state information regarding the impossibility of providing the information required by the National Commission on the grounds that the March 21 of that year, the questioning 1247/CR/2006, had been forwarded to the Attorney General's

Office, and it communicates the inability of the expert in photography to send duplicate of the photographs displayed at such questioning.

26. SA/1786 motion of April 30, 2007, whereby the director of Human Rights of the Attorney General for the state of Oaxaca attached documentation related to the press conference that gave the then head of the unit 15 November 2006.

27. Minutes of circumstantial May 24 and September 19, 2007, which notes that staff of the National Commission was constituted in the delegation of the Attorney General's Office in the state of Oaxaca, to consult the preliminary PGR / OAX/OAX/FP/08/2006.

28. Expert opinion on January 15, 2008 issued by the medical examiner and expert in audio, video and data, allocated by the National Commission.

29. Minutes circumstances of February 27, 2008, which recorded the interview with the journalist's parents, which indicated that personnel of the Attorney General's Office had informed them that the investigation did not progress as they have demanded the practice of new opinions.

30. Ruling 14,038, of April 28, 2008, which sought further information to the Attorney General's Office related to the preliminary investigation that began in the unit.

31. 002603/08 DGPCDHAQI motion of May 14, 2008, by which the Attorney General's Office provides answers and specifies that the preliminary investigation PGR/OAX/OAX/FP/08/2006 was attracted by the Special Prosecutor for the Attention of Crimes Committed Against Journalists on Oct. 17, 2007, which led to the questioning 11/FEADP/07, which is pending.

32. Minutes circumstances in which it is recorded that on 16, 17, 18 and June 23, 2008, staff of the National Commission consulted in the Special Office for the Attention of Crimes Committed Against Journalists of the Attorney General's Office, the records that make up the preliminary 11/FEADP/07.

III. LEGAL STATUS

On October 27, 2006, Mr. Bradley Roland Will, a photojournalist for Indymedia, was deprived of his life by two shots from a firearm during the conflict between members of the Popular Assembly of Peoples of Oaxaca (APPO) and people the municipality of Santa Lucia del Camino, Oaxaca.

On the occasion of the facts, the Attorney General of Oaxaca state settled the preliminary 1247/CR/2006, in which the November 2 of that year was exercised criminal action against two people identified as likely responsible for the crime of aggravated homicide of an advantage, in tort committed by Mr Bradley Roland Will.

On Nov. 2, 2006, the criminal court of the Judicial District of Etlá, Oaxaca, settled criminal proceedings 172/2006, in which, on November 28, 2006, resolved the incident promoted by the defense of liberty and order issued by Fading to process data in favor of detained persons, who on the same date were released.

Additionally, the Attorney General for the state of Oaxaca left breakdown of the preliminary 1247/CR/2006, to continue with the practice of taking, but the March 22, 2007 declined jurisdiction and referred the inquiry to the Attorney General's Office for prosecution.

On November 3, 2006, the delegation of the Attorney General's Office began a preliminary investigation PGR/OAX/OAX/FP/08/2006 by the facts that were deprived of life the American journalist Bradley Roland Will, dependence on April 4, 2007 accepted the competition declined on their behalf by the Attorney General for the state of Oaxaca, exercising the power of attraction in the case, likewise the October 22, 2007, the Special Prosecutor for Attention Crimes Committed Against Journalists of the Attorney General's Office attracted such questioning, which led the investigation 11/FEADP/07 ministerial, which is pending.

On February 28, 2008, parents of Mr. Bradley Roland Will offered in the inquiry cited, the expertise of forensic experts from the International Forensic Program for Physicians for Human Rights, who on May 20, 2008, filed the

"Independent Expert Forensic ", in which broadcast their views on the death of Mr Bradley Roland Will.

IV. OBSERVATIONS

From the logical analysis of the facts and legal documents that make up the file of complaint 2006/4886/5/Q, described in the preceding paragraphs, with full respect for the powers vested in the Cabinet and without it seeks to interfere with the function of investigation of crimes or persecution of the likely responsible, exclusive of Public Prosecutions in terms of the provisions of Articles 21, first, second and seventh; 102, paragraph A, second paragraph of the Constitution of the United Mexican States and 21 of the Constitution of the state of Oaxaca, warns that public officials in the Attorney General for the state of Oaxaca, who participated in the integration of the preliminary 1247/CR/2006 and the public servants of the Public Prosecutor's Office, responsible for integrating the preliminary 11/FEADP/07, based in the Special Office for the Attention of Crimes Committed Against Journalists of the Attorney General's Office, violated fundamental rights to the legal fold, to legal security, access to justice and to the information, contained in Articles 6, 14, second paragraph, 16, first paragraph; 17, second paragraph; 20, paragraph B, and 21, first paragraph, 102, paragraph A, second paragraph of the Constitution of the United Mexican States, as well as 21 of the Constitution of the state of Oaxaca.

This, in response to the following considerations:

A. Human rights violation to the legality of certainty and access to justice

a. Irregularities in the integration of the preliminary investigation

The article 2, paragraph II, the Code of Criminal Procedure for the state of Oaxaca expected as a duty of the Ministry of Public practice the necessary steps in the preliminary investigation, ordering the execution of all acts conducive to checking the elements of the offense and the demonstration of probable responsibility of the accused.

However, the analysis of the case warned that the

ministerial authority incurred in various irregularities, contrary to the provisions of paragraph of merit, to integrate 1247/CR/2006 preliminary investigation, which began to investigate the facts on which to lose Life Mr Bradley Roland Will, a photojournalist of the company Indymedia.

In fact, the Oct. 27, 2006, the Public Ministry agent requested the intervention of the physician of the Attorney General for the state to recognize the exterior of the body, as well as the corresponding assistance of experts in chemistry, and photography fingerprinting; however, the records referred by the authority to the National Commission, warns that the agent said it incurred an omission, because not required at that time the intervention of a criminal expert, together with the fact that neither moved immediately on the scene, accompanied by expert witnesses for the uprising, preservation and packaging of evidence, which is considered relevant to the investigation of crimes committed by the use of a firearm, because, as is known to specialists on the subject, over time, any trace material, without any prejudice to the conditions and circumstances existing at the site were not optimal.

In addition, it is considered weakness existed in the practice of prosecution by the Public Ministry agent, on the grounds that, in addition to not enact measures to preserve the place where the reporter was injured Bradley Roland Will, was until Oct. 31 to 2006, four days after the events, which was formed in it for the ocular inspection, and it is clear that before the passage of time may have been lost evidence and traces important for clarifying the facts and the proper practice of expert advice, as was to seek caps, blood stains and testimony from neighbors of the site, especially since the inspection was not conducted in a complete and accurate, as demonstrated by the fact that subsequently, that is, The Nov. 3 of that year, it performed the same diligence.

In addition to the above can be inferred that the ministerial authority performed poorly the "Inspection and Survey Description of Corpse," from October 27, 2006, when he became aware of the facts, especially in the description of the body and the garments dressed; omitted the preservation and packaging of evidence at the scene, in particular, not ordered or carried out the chain of custody

of the blanket that was wrapped in the body of the journalist when he was admitted to the amphitheater of the unit; It also failed to bear witness to this ministerial, and therefore not preserved the object, which is essential to determine if had blood stains, traces or indications that would initiate, maintain or strengthen any line of investigation and, where appropriate, make expert evidence involved.

Moreover, analysis of the preliminary cautions that the October 27, 2006, the Public Ministry agent sought the testimony of two people, in particular, the driver of a yellow van and the doctor who helped Mr Bradley Roland Will, without the agent said they practiced some interrogation for additional data relevant to the facts and thus more evidence to be submitted to the inquiry.

In this regard, we note that it is up to a month after the murder of Mr Bradley Roland Will, on November 29, 2006, that the authority sought the extension of the ministerial statement of the driver of the van and December 1 of that year, the doctor who helped the injured, which provide more details of his involvement in the care and transfer of the injured reporter.

Car warns, moreover, that the October 28, 2006, the consul of the United States of America in the state of Oaxaca appeared for the identification of corpse, which refers diligence in some data whose research is considered important, in particular, because a co-worker of the deceased reporter had informed him that the day of the facts had been present and had observed when the reporter began filming a group of policemen, and one of them, dressed in civilian clothes, raised his arm with the gun in his hand, pointed and fired, so that, moments later, fell to the floor Mr Bradley Roland Will.

This is the case that the Public Ministry agent did not carry out any action to obtain the testimony of that person or, alternatively, seek the collaboration, via the Attorney General's Office, the U.S. authorities to his location.

As regards the practice of interrogations made the Oct. 29, 2006, two other witnesses, there is the same conduct omits from the Public Ministry agent, given that, before the witness who surrendered within the meaning of they had seen reaching elements of the Municipal Police, who, according

to the witnesses, made shots, providing the names of these individuals, the Cabinet did not carry out actions to obtain more data, or questioning regarding the weapons they were carrying, as well as in connection with the approximate number of elements of that corporation who arrived on the scene, the time that remained, among other issues.

But these witnesses, from October 29, 2006, stated that two people had been arrested and three others identified as elements of the Municipal Police of Santa Lucia del Camino arrived on the scene and conducted fire with firearms, he was overlooked in Social subpoena or request the submission of these last three persons, coupled with that on that date certified and attested that the main plane of the police section of the newspaper "El Imparcial", adding to the proceedings of the preliminary 1247/CR/2006, whose head is: "Identify Murderers," appear three photos, and the reading of this letter is warn the names of these subjects.

In fact, the information provided by the Attorney General of Oaxaca state did not have evidence to prove that the Public Ministry agent has requested the testimony, location and / or submission of three people in question, nor indications that the Ministerial Police has conducted any research in this regard.

It also draws attention to, however, that in the days following the events, various media published notes relating to the killing of U.S. reporter, while television stations broadcast the video in which images are displayed and photographs of armed persons The Public Ministry agent had not ordered the identification, tracing and reporting them or, if appropriate, launched a line of inquiry to identify or rule out the degree of participation that may have had in the events that were investigated.

Nor was provided with evidence demonstrating that the ministerial authority to delve into the investigation of the facts that these witnesses spoke to the effect that from a house on Avenida Juarez was firing people and cause damage to the people of the APPO, any they are not ordered or carried out the ministerial inquiry to determine or rule out such a circumstance.

From the records of the preliminary 1247/CR/2006 also stresses that the October 31, 2006, the Public Ministry agent was formed in the scene, in the municipality of Santa

Lucia del Camino, accompanied by expert in planimetry and also by the expert in photography. Attested, among other things, "that the sides of the houses in Juarez Avenue are observed apparently different impacts of projectiles firearm, without being able to locate at this time no warhead or cap, without a description of the place exactly where they were observed impacts or the number, nor were measured distances between these, a circumstance that, on the contrary, it is practiced diligently in the following November 3, which attests that the number 311 "was reportedly found eight impacts of firearm, six of them at a height of six meters, one to ninety-two inches around and the last at about 90 centimeters."

These circumstances were spelled out in detail in the opinion of the expert planimetry who pays the official Nov. 10, 2006, which relates: "The house marked with the number 311 against which the truck was stopped rolling, introduced by impacts firearm in its facade, to a height of 3.55 m, with a radius of 0.45 and 0.90, 0.92 m, in relation to the sidewalk. Also in the house marked with the number 122-A presents an impact gun at her door at a height of 1.00 m, in relation to the sidewalk. " It should be noted that this property at no time was observed and described by the Public Ministry agent in the proceedings that he had previously done, coupled with that was not considered by the experts in criminology who spoke afterwards.

On the other hand, highlights the poor description of the Public Ministry agent, to bear witness to the ministerial-shirt he was carrying the journalist Bradley Roland Will, on October 27, 2006, as it relates although the characteristics of it, at no time describe if you have or are found holes or blood stains, which then performed the official expert on Nov. 3 of that year, to practice the test of "Walker" to that pledge, opinion stating that "presents a hole in the middle, located about 30 centimeters from the seam of the neck and 28 centimeters in the seam of the chest on the right side. In the back three holes located in the lower right side "

Also in the records that make up the 1247/CR/2006 preliminary investigation, warns that the October 29, 2006, the Public Ministry agent asks the municipal administrator of Santa Lucia del Camino, Oaxaca, might provide weapons of the Municipal Police and display the collective licensing of these, as well as the names and titles of the municipal

police forces that participated in the events of October 27, 2006, but in the motion that was turned to that effect, only apply for appointments of the two people who had been arrested, which led to the municipal authority only show two weapons type resolve 38 special brand Smith & Wesson, and the guard's gun assigned to one of them, but he has insisted that Social are would fully comply with your request and the information will be forwarded in full.

On October 30, 2006, the two people identified as likely perpetrators of the murder were presented to the Cabinet, by police officers. In that regard, the records will be warned that the Public Ministry agent was put in an interrogation defiance that would allow access to more data on their participation, the number of elements of the Municipal Police who went to the scene, carrying the gun and how long you stayed there, and this, coupled with that of records will be warned that the information yielded by a part of the likely responsible relates that he went with other elements.

It is true he did not carry out social actions to investigate the names of those who accompanied him, nor conducted any investigation or ordered to identify people who carried guns and they left in several photographs and videos that are made public in various media and television.

Thus, referring to the failures in the practice of prosecution by the Public Ministry agent and his inconsistency in the collection of data and information, to practice those random with witnesses and suspects, it creates uncertainty as to whether the weapons which were introduced by the Municipality of Santa Lucia del Camino, the ministerial authority, were those who were under his stewardship the elements of the Municipal Police, if it were used on October 27, 2006, when the events occurred, and whether they were made the shooting.

Moreover, since November 15, 2006, the then Attorney-General of Oaxaca state presented a report of the investigation by that agency, which led in some ways is the establishment's own version of the state Attorney In the sense that the shooting was deprived of life that the reporter had been made at short range, for people who were near the reporter, or during their transfer to the Red Cross. It is noteworthy in this regard that the ministerial authority not practiced diligently to obtain any further

information that would allow the tracing and consistent presentation of those located in the scene, specifically near the aggrieved, and thus obtain the relevant testimony and, where appropriate, provide input to the inquiry to strengthen or disprove the version that the perpetrator was a journalist close to the time when the facts were raised.

It also published the director of the murders of Attorney General for the state of Oaxaca, in connection with the case, noted that "he was the victim by a person who was near him, is reached as to listen says no I said Wey (sic), you're not taking photos, and hear how to remove the bolt gun and then he (Bradley) yells. " Coupled with this, at a press conference he gave the then Attorney General on 15 November 2006, cited expert opinions that were conducted in audiometry, audiology, evidence sound and surveys of audio to video taken by the camera of Bradley Roland Will, without However, the records of the preliminary 1247/CR/2006, these aggregates are not expert, nor evidence of sound, it was noted, were made to the video.

This becomes relevant not only because it was hesitant to undertake such analysis of sound, but because there is practiced would have elements of conviction to say that listening to a bolt of a weapon, mainly because there is confidence that the weapon that injured the reporter was a revolver, which does not require such a mechanism, as well as dialogue prior to the time when the reporter is injured, the time at which the shots were made, the number, timing, sequencing and their intensity, for, if necessary, to specify whether they were produced at the time of injuring the reporter Bradley Roland Will.

After the appropriation of the questioning, the Public Ministry agent continued with the investigation of the facts and the November 16, 2006 received the report which pays the Ministerial Police, which refers, among other issues, the name of who was driving the vehicle of the Volkswagen brand that moves the reporter, the owner of the property located at Francisco I. Madero 126, Colonia January 25, in Santa Lucia del Camino, "where he occasionally stayed and where the deceased was transferred the wounded body of Bradley Roland Will." It is also reported that it was identifying "The Mojarra," "The Tead" and Professor Carlos "N". Also, that the events of October 27, 2006 were initiated because a person tried to remove part of a barricade and was chased by hooded men of APPO,

which also was damaged and looted a home, and that one person was injured by using a firearm.

That is the case with full knowledge of this information, the Public Ministry agent cited only the person who tried to remove the barricade and the owner of the home ransacked, and not elaborated on the scenario described, which were introduced by Ministerial Police, and neither found the driver's home of Volkswagen, and related to the owner of the house where he allegedly led to the first reporter wounded for subsequent subpoena; also failed to link the preliminary investigations that were launched by the injuries he received other people in the same place; did not order the location of the vehicle that was turning red crossed the avenue in Juarez, who, after being physically reviewed by the National Commission staff, it was noted that presents holes of a firearm, a circumstance by other relevant, as it could have practiced a ballistics test to determine the type of weapons used in the confrontation of October 27, 2006, and thus confirm or rule out whether other people had been injured with a weapon different from that The journalist injured, or even the municipal police officers who were carrying and which were presented by these, or to correlate the impact that was found in the truck turned red on the right door with these signs.

On November 23, 2006, the Ministerial Police officers surrendered a report that states that the home located on the street Francisco I. Madero No. 126, Colonia January 25, in Santa Lucia del Camino, was introduced on white Volkswagen, he was transferred Mr Bradley Roland Will, so the Public Ministry agent requested the respective digging, that of Nov. 24 2006 was authorized by a judicial authority. However, there is no record in the preliminary investigation cited in the sense that the search has been carried out, moreover, in addition to the failure to locate the owner of the white Volkswagen, it avoids the possibility of locating the vehicles involved to carry out the relevant expertise, among them that of "Walker," which would have allowed the Social Representative to have more elements of conviction to determine whether these hit a second shot.

On the other hand, February 2, 2007, the Public Ministry agent sought the ministerial statement of a person referred to in the scene noted that the house where he was a truck turning red repelled the assault and at the put before the

video provided by the company Televisa, admitted to a subject nickname of "The bastard," and provided information which could be reached, as well as four other people nicknames of "El Tigre", "The Queño," " The Robot, " " The Daniel, "you have no evidence or records of the Social Representative has asked the Ministerial Police and the location of these people.

Because of the foregoing, to conduct and omissions incurred by the ministerial staff of the Attorney General for the state of Oaxaca, which brought the preliminary 1247/CR/2006, warns failure to comply with the provisions of Articles 2, paragraph II, 12, fractions II, III and V, 15, 16, 17, 18, 19 and 31 of the Code of Criminal Procedure for the Free and Sovereign State of Oaxaca, as well as 49, 51, 53, 73 and 75 of the Organic Law of the Attorney General for the state of Oaxaca, which establishes the duty of Public Prosecutions to practice pre ordering the recognition by all the experts needed, the place, weapons, tools or objects for a better appreciation of the relationship with the commission of the crime that is prosecuted; cite to declare on the facts under investigation, persons in any part in or appear with data on them; make all events designed to verification of the elements of the offense and the demonstration of probable responsibility of the accused, as well as the obligation to promote the processing of processes, so that they are conducted with regularity so that justice is swift and expeditious .

Similarly, there is a breach of the obligations laid down in Section I of Article 56 of the Law on Administrative Responsibilities of Public Servants of the state and municipalities in Oaxaca, which state that any public servant should be conducted with legality, honesty, loyalty, impartiality and efficiency in the performance of public services entrusted with the utmost diligence and refrain from any act or omission causing the suspension or deficiency of that service.

Likewise, it should be noted that the integration of irregular preliminary investigation 1247/CR/2006 violates the right of relatives of Mr. Bradley Roland Will, as the victim of a crime, access to justice, as provided for in Articles 17, second paragraph, 20, paragraph B, sections I, II and VI of the Constitution of the United Mexican States, 25, of the American Convention on Human Rights, and in the top 4 of the Declaration on Fundamental Principles of

Justice for Victims of Crime and Abuse of Power, which states that crime victims are entitled to access to the mechanisms of justice and to prompt redress for the harm they have suffered.

b. Expert opinions ruling on the preliminary investigation

To comprehensively analyze the preliminary 1247/CR/2006, started in the Attorney General for the state of Oaxaca, requested the aid of expert specialists, so that your opinion on this issue, who, based on testimony and opinions contained in the inquiry cited, as well as videos and photographic material provided by the Attorney General for the state of Oaxaca, on January 15, 2008 issued a technical opinion, so that the indications and elements that it brings be considered by the Attorney General's Office that integrates the preliminary 11/FEADP/07, ministerial authority which is able to analyze and rectify the findings presented in the opinion said, without detriment to implement all measures to clarify events that led to the death of journalist Bradley Roland Will.

The opinion rendered by experts appointed by the National Commission on Human Rights provides, in essence, the following:

Medical examination at the exterior of the body was established a cronotanatodiagnóstico without any scientific-technical element, the medical confused the anatomical and topographical description of injuries, did not measure the body with respect to the level of support, and later established the extent to 1.25 centimeters That is, failed to establish meters, in addition to these measures were calculated without a corpse.

The practice of the autopsy report warns incomplete because it did not take place in the neck dissection, the site shows an unhealthy place, it dissects the right thigh in a fruitless, one of the doctors received the bullets without gloves, was held on calculating the weight without the necessary attachments, there Description inadequate, vague and imprecise way of injuries, they are not measured from the plane of lift, we calculated the degrees of impact of each of the bullets by degrees with no technique for doing so; and, in the case of the second injury, drew on a

"tubular", it warns that the lack of terminology used in forensic medicine.

Using mathematical analogies to establish the position victim-victimizer and the shooting distance, form hypotheses without sustenance.

The lack of reagents for conducting the test Walker was not sufficient justification for issuing a week late with its opinion, the same situation that was made in the area of ballistics.

The ballistics expert erroneously determined that the bullets were of 9-mm.

The evidence in a shooting shirt were inadequate, obsolete and without technical expertise.

The description of the holes in the shirt was inappropriate, because it was erroneously stated the number of these, as well as its location.

Due to inadequate approach to the assumptions, and the ignorance of the facts and evidence, unsubstantiated conclusions were established by experts.

The virtual representation in sedente position and shooting distance were inferred from subjectively in the opinion of comparative criminal "with obvious lack of technical and scientific support.

The mathematical calculations to establish a higher level and middle-distance lack of technical and scientific validity, since by the topographical features of the site did not match, even more so when the key evidence that the bullets are coming from a single weapon and a victimizer, apart from that there was no tattoo on grains of gunpowder and that the test was negative Walker.

To perform a calculation of the level of support for each of injuries from projectile firearm, without obtaining the slope of the street, as well as the lack of analysis of video images of the reporter Bradley Roland Will, their displacement in the scene, the decline of the camera, the action of each of the sites or buildings, no detailed description of the injuries led to an erroneous interpretation by experts.

The lack of an expert analysis and perform calculations subjective prevented surveyors establish their findings appropriately, as they relate to the shootings were done in a different time and place, without a correlation criminalistics and medically appropriate.

It shows an excess of authority and lack of expert reasoning, that have been established timetables for the shooting, since there is no basis whatsoever for this.

There is no scientific-technical foundation for establishing the stature of the victimizer (1.60 - 1.66 centimeters).

Regarding the coverage angle of the camera, there is a subjective interpretation, as no official was identified by experts.

For the above and based on comments made by an expert of the National Commission, it is considered that the performance of public servants who took part in the various opinions rendered in the preliminary 1247/CR/2006 and the physicians who sign outside the medical examination of the corpse, the opinion of necropsy, the opinions of ballistics, in comparative criminology, in criminalistics, mechanical injury and factual position and victim-victimizer, failed as provided in Section I of Article 56, the Law on Administrative Responsibilities of Public Servants of the state of Oaxaca, which requires all public servants to behave with legality, honesty, fairness, impartiality and efficiency in the performance of public services entrusted with the utmost diligence and refrain from any act or omission causing the suspension or deficiency of service.

From the preliminary observation of the errors identified in advance, experts consulted by the National Commission held various technical and scientific considerations related to the events that led to the death of journalist Bradley Roland Will, analyzed the opinions rendered by experts from the Attorney General Justice of the state of Oaxaca, were carried out various technical considerations to material recorded video broadcast news Televisa and TV Azteca, as well as the video filmed by Mr Bradley Roland Will, who helped identify some significant aspects that can help bring certainty and facilitate the determination of historical truth of the facts, what is needed to answer the

questions that were generated in the conduct of the investigation.

Based on the results of expert opinion, experts from the National Commission reached the following considerations:

That the absence of tattoo of grains of gunpowder in the wounds caused by projectile gun, found on the body of Bradley Roland Will, the negative outcome of the trial of Walker, per se implies that the shooting took place over a meters from the mouth of the barrel of the weapon, without being able to specify categorically that the shooting was one meter away.

From the analysis, frame by frame, the end of the fragments recorded by Bradley Roland Will, can be set to always be placed on the left side of the street, in the development and vehicular near the sidewalk, with constant movement, holding the camera carrying and recording with the north and into the street in front of Juarez.

That the camera he was carrying Mr Bradley Roland Will the day of the facts is a Sony model HVR-Z1U.

Were identified that the sounds produced by gunfire and rockets, as well as the cry of the injured.

It is highly probable, according to the expert studies carried out at 38 caliber bullets Special, that the perpetrator was located at a distance of approximately 35 to 50 meters.

That the two injuries that caused the death of Mr Bradley Roland Will, were raised in succession, immediate, sequentially and in thousandths of a second of each other at the scene.

That the position of Mr Bradley Roland Will, upon receipt of the first bullet impact in bipedestación was (standing), with the front part of his body in front of her victimizer, which most likely was located and slightly ahead to the right of it. Accordingly, for defense mechanism, the reporter will bend forward, lateralized to the left part of his body, at the time it receives the second shot found the perpetrator in the same position.

Calculated that the time between the detonation and shock

at the level of epigastrium (first injury), occurred in about 166 milliseconds, that time in a special 38-caliber bullet travels a distance of between 45 to 50 meters (average 42.5 meters), which allows expert declared with a high degree of probability that the perpetrator was located behind the truck rolling.

That the shot was not held to a meter away, as established experts from the State Attorney, let alone in a different time and place of where the incidents occurred.

Moreover, in connection with the expert opinions that have been practiced for the integration of 11/FEADP/07 preliminary investigation by the Special Office for the Attention of Crimes Committed Against Journalists of the Attorney General of the Republic, warns that have been made in a vacuum, ie without any taking into consideration all evidence and evidence gathered by each ruled in particular and without any warning, in addition, a full analysis, coordinated and detailed supporting evidence Neither provides a blunt conclusion about how the events occurred mainly in respect of the circumstances in which Mr Bradley Roland Will received the second shot and the distance that they made the shots that killed him.

This, attention to the following:

Analysis of the opinion in criminology field, with folio 2191, to Sept. 24, 2007, warns that there is a description of the location of vehicles that were on the scene, the gap between them, damage and the number of impacts presented by shots from a firearm, a view whose sole purpose was to demonstrate that during the events that lost their lives Mr Bradley Roland Will there "crossfire", that analysis is considered inconsequential, because the obviousness of the fact that it is concluded, and whose outcome is apparent from the simple observation of the video filmed by the now deceased.

On October 31, 2007, with folio 2512 opinion was issued by forensic ballistics, in connection with the bullet located in a vehicle of the Nissan brand, plates TJV9652 movement, which concludes that "the caliber bullet was found 30" CARABINE, which hit the outer side of the rear tire, staying between the rim and the corners, "which is seen as equally irrelevant, since the only thing that shows is,

first, that during the development of the facts used a long gun, and, moreover, that the firing was driven from where the truck was located by turning red.

Equally insubstantial is the opinion of forensic ballistics and criminalistics field of Oct. 31, 2007, which determines, among other things, that when making fire with firearms 38 caliber special, at distances of 30 and 60 centimeters, is incombustible observed grains of gunpowder, both in the fabric of a shirt, as in the skin of the leg of a pig around the inlets produced by the type of weapon, which is not the case in fire at distances of 32.61 meters and 1.30 meters; this, given that the literature expert in the field has established that the presence of grains of gunpowder was not deposited on the surfaces tested when the shooting was carried out over 50, 60, 70 centimeters, and even up one meter, depending on the type of weapon or cartridges used, then of course, the proof of Walker reported to be negative is an indication sufficient to establish that the distance of the shots that hit the body of Mr Bradley Roland Will is one meter higher .

On the other hand, March 6, 2008, was the diligence of ocular inspection at the Institute of Training and Police Training (ICAP), which conducted an exercise with five gunshot type weapons brand Smith & Wesson revolver caliber 38 , and it is concluded, in essence, "which were made shots to 32 meters with an expert marksman who atin only once a silhouette (...) which was obtained as a result that the shooting more than 32 meters is discarded as a shot fortuitous (...) that could have been a close range shot that was Bradley Roland, and that the second shot may have taken place within walking distance of 2 meters and at about the height of the truck and pens that were white combi stationed at the place and time when the events occurred. "

Well, as regards this test, in terms of jurisprudence concerning the purpose and function of the expert evidence, there is inaccuracy in the argumentation and reasoning to support the conclusion of the expert in the field, in the sense that the shots he received Mr Bradley Roland Will be action in the short distance that, in response to that used subjective terms with phrases such as "may have been or could have been done," valuations in terms of technical and scientific become inapplicable to sustain an expert opinion.

In the diligence of ocular inspection and re-creation of events, from March 11, 2008, in Santa Lucia del Camino, is positioned several vehicles and was operated from different angles shooting, which was obtained as a result both shots he received Mr Bradley Roland Will were made over a short distance of two meters, roughly the height of entry of the truck fold and the combination of white, who were stationed at the place and time when the events occurred. In addition, it is possible that the shot was made by chance and states that were two people who claimed the body of Bradley at the time of receiving the first shot, and that those two people received assistance until they passed the combination of white, so it is presumed that the shots were made by members of the APPO.

Regarding this recreation, warns that was not performed properly in the first place, given that the truck turned red, which shows itself in the video filmed by Mr Bradley Roland Will, was not positioned in this exercise, coupled , it was possible that the firing was made so fortuitous, which becomes relevant, since it did not wield the arguments that support this assertion, nor the elements, evidence, studies or experiments leading to the identification of the conclusions of opinion: that, in addition to refer a purely subjective assessment, noting that the act could have been raised in one form or another, and even more, making the point from where the shots came, without specifying the circumstances of the case expert.

On March 18, 2008 surrender of opinion in criminology field that sets forth the following conclusions: 1. The position of the victimizer for the first injury (in epigastrium), is located slightly to the right of the victim, outside the visual angle of the camera, his torso lateralized to the right, at the time of filming, so the mouth of barrel of the firearm is facing the anatomical region injured. 2. Regarding the second injury, the victim offered his right flank and when the perpetrator was moved towards the south corner of Avenida Juarez charged by several people.

For the National Commission on Human Rights can not be established, so blunt, the position described in the opinion of merit because, as shown in the video filmed by the now deceased, warns that seconds before the first to be operated shooting, moves in the direction of the images they record, which rather gives an indication to the effect that his body was in the direction of the location of the

truck turned red; this, together with the fact that the displacement of the camera, thousandths of a second after the first impact, is a drop from left to right from ten to eighteen degrees, as is apparent from the shooting.

In connection with the argument in the sense that the second injury was caused during the removal of the body of Mr Bradley Roland Will toward the south corner of Avenida Juarez, was never argued and motivates why we come to the conclusion that The perpetrator makes a move to put behind the deceased, drives his weapon and produces the second lesion in the right flank, nor provide the reasoning behind it occurred when the victim was transferred to the south corner of the avenue in question, especially that have occurred as identified in the opinion, the bullet had not been located in the left iliac of the body of Mr Bradley Roland Will, but rather in his right thigh, or even in the testicular region.

The previous points are inescapable evidence to establish the mechanics of injuries, which in this case are still pending for determination in the investigation 11/FEADP/07, mainly, the position in the victim-victimizer who received the second shot from a weapon of The fire died today Bradley Roland Will.

It emphasizes that has been overlooked by the Social Representative of the Federation requesting the practice of studying audio of the shots, to help establish the timing and sequence of these, look for other essential for elucidating the truth of fact, given it would have elements to determine the number of shootings that took place at the scene, their sequence and which were made at short, medium and long distance.

In sum, analysis of the opinions contained in the preliminary 11/FEADP/07, cautions that has been omitted to achieve the principles of criminalistics, particularly the correspondence of evidence or evidence with the mechanism of injury The findings of the autopsy and position the victim-victimizer, fundamental elements expert to clarify the events as happened to Mr Bradley Roland Will.

Accordingly, it is suggested that the agent of the Public Prosecutor's Office integrates a group of experts, who do not operate in isolation, to analyze the evidence, evidence and evidence contained in the preliminary 11/FEADP/07, as

well as those who have provided experts from the International Forensic Program for Physicians for Human Rights, and those that have been proposed in this recommendation, to be able to unify criteria and determine in a clear, objective, comprehensive and collegiate mechanics and dynamics of the injuries that killed Mr Bradley Roland Will.

Does not pass unnoticed that in the preliminary PGR/OAX/OAX/FP/08/2006, integrated into the Delegation of the Attorney General's Office in the state of Oaxaca, on April 1, 2007, was made the mechanics Injury signed by the coordinator of expertise in that unit, which specifies that, based on the events referred to in cadaveric early medical examination abroad and the autopsy report, as well as graphics and video of the post-mortem Mr Bradley Roland Will, it is concluded that the two injuries caused by a projectile fired by firearms were produced in life, in an interval of not more than thirty minutes, and that by constantly and circumstantial characteristics observed in the wounds, according to the charts analyzed, was located at a distance of more than 30 and less than 60 centimeters.

In this regard, we note that this conclusion is derived solely from the analysis of photographs and video of the practice of the autopsy, which clearly are not enough sustenance to make such a determination by experts, especially when you have to at least six physicians from the experts Attorney General for the state of Oaxaca, who conducted the medical examination abroad "and" opinion autopsy, "was not aware of the existence of grains of gunpowder in the wounds of a gunshot wound that showed the body of Bradley Roland Will. In addition, can not be ignored that evidence of "Walker" also proved negative.

From the foregoing it should be noted that while the actions of an agent of the Public Prosecutor's Office, responsible for integrating the preliminary 11/FEADP/07, based in the Special Office for the Attention of Crimes Committed Against Journalists of the Attorney General of the Republic has been ongoing, the date was not issued a decision has not been achieved or to identify the likely responsible for the injuries that caused the death of Mr Bradley Roland Will, as well as the reason and causes that gave rise its aggression, by other relevant circumstances, most likely because the Cabinet and cited experts who have issued opinions could be challenged before defaulting with

the functions envisaged in articles 2, paragraph II, the Federal Code of Criminal Procedure, as well as 4, section I, paragraph A), point c) and fraction V; 54, paragraphs I and II of the Organic Law of the Attorney General's Office, which provides that in the preliminary investigation, it is up to Public Prosecutor's Office practice and ordered the execution of all acts necessary for the accreditation of the corpus delicti and the probable responsibility of the accused or, as well as safeguard the principles of legality, efficiency, professionalism and respect for human rights in its role, in addition to its actions must be consistent, timely and proportionate to the act under investigation.

In this respect, corresponds to the Internal Control Body in the Attorney General's Office, within the scope of its competence and in accordance with its powers, whether the conduct of public officials in the Attorney General's Office involved in the case has been contrary to the obligations under Article 8, paragraphs I and XXIV, the Federal Law of Administrative Responsibilities of Public Servants, which provides that persons who occupy any position in the federal public service must refrain from any act or omission causing the suspension or failure of such service or involves abuse or abuse of a post, office or commission.

Moreover, it should be noted also that there is obstruction and refusal by the Mayor of Santa Lucia del Camino, Oaxaca, to provide information that would enable the National Committee conducting the investigation of the case, since using offices 4629 and 7795 of February 15 and March 12, 2007, respectively, that authority was requested information relating to the participation of elements of the Municipal Police in fact, carrying weapons, the actions they did when they became aware of the existing confrontation in that population, the names of the officers of that corporation who came to place their respective parties and informative as well, that people who were arrested and two others who probably are involved, held a report on his participation in the events Without the date of issuance of this recommendation has been received any response on this.

Consequently, this public servant violated as provided in the XXXII fraction of Article 56 of the Law of Responsibilities of the Servants of the state and municipalities in Oaxaca, so attentive to the provisions of

Articles 64, second paragraph of the Law said, as well as 70 and 72 of the Law of the National Commission on Human Rights, it is considered appropriate that the Congress of the state of Oaxaca start the respective administrative investigation against the then mayor of Santa Lucia del Camino, Oaxaca, to determine regarding its probable liability for the obstruction of the investigation conducted by the National Commission, by omitting to respond to the request that it be raised.

Under the above remarks in the chapter of this document should emphasize that the irregularities detected, the delay in his performance and lack of opportunity in the practice of trial by the Cabinet, experts and other public servants the Attorney General's Office and the Attorney General for the state of Oaxaca, involved in the case study, warns failure of the civil service in the administration of justice, which also violates the fundamental rights of legality, To legal certainty and proper administration of justice in tort of parents and relatives of journalist Bradley Roland Will, as the victim of a crime or offended and due access to justice, contained in Articles 14, second paragraph; 16, first paragraph; 17, second paragraph, 20, Paragraph B of the Constitution of the United Mexican States; 14.1, the International Covenant on Civil and Political Rights, 8.1, and 25 of the American Convention on Human Rights, which Establishing the security of everyone to be heard at trial by a competent court, in the determination of his rights and obligations of any nature, as well as 1st, 3rd and 6th, (Cye points) of the Declaration on Fundamental Principles of Justice for Victims of Crime and Abuse of Power of the United Nations (UN) under which the right of victims and offended the access to justice mechanisms, in accordance with national legislation, avoiding unnecessary delays in resolving cases and the execution of court orders or decrees granting awards.

Finally, it is important to note that since the incidents occurred on Oct. 27, 2006, the Attorney General of Oaxaca state was characterized by making the public aware of the diverse and confusing information regarding the case.

For example, on November 14, 2006, was published in a newspaper of national circulation, that means "had access to the videos analyzed by Oaxacan authorities and expert reports of the case," note, which relate various aspects and conclusions of the opinion of "criminalistics,

mechanics and mechanical injury of facts" of November 15, 2006, surrendered in the preliminary 1247/CR/2006. In this regard, however, requested the Attorney General for the state of Oaxaca specify whether it had provided access to that newspaper and if the information published was in line with that in the questioning, the date of issuance of this document No response has been received respectively.

On the other hand, at a press conference on November 15, 2006, the then Attorney-General of Oaxaca state presented a report of the investigation by that agency, which led in some ways be established that the version of the shots that deprived them of life to the reporter had been made at short distance and by people who were close to Mr Bradley Roland Will.

In the newspaper Reforma on Nov. 16, 2006, a statement of the then Attorney General, which states: "[t] ll evidences give us reason to continue this line of research, there are two shots with a difference between 15 and 20 minutes, this leads to the theory of a conspiracy to deprive the life of a foreigner, to be internationalized the conflict. "

On that date, the newspaper La Jornada published remarks of the then Attorney General, in the sense that the evidence and results annexes to the investigation had been allowed to open a second line of inquiry which "states that Roland Will was killed at point-blank range."

It was also published in various media, the director of the Homicide Attorney General for the state of Oaxaca said that "he was the victim by a person who was near him, is reached as to listen to him said: I said no Wey (sic), you're not taking photos, and hear how to remove the bolt gun and then he (Bradley) yells. "

The publications cited coincide with the contents of the press conference he gave the then Attorney-General of Oaxaca state, but draws attention to the fact that the opinions of "comparative criminology" of November 11, 2006, and the "criminal, mechanics and mechanical injury of facts" of 15 months this year, were received by the Public Ministry agent and added to the preliminary investigation until November 22, that is, at a later date to conference in question.

In addition, the stenographer version of this press

conference referred to various opinions allegedly performed at the Attorney General of Oaxaca state, however, the records contained in the preliminary investigation, submitted to the National Commission, not the aggregates consist of expert audiometry and audiology, and neither the evidence of sound that apparently were made to the video.

This highlights the opposition between the versions of the Attorney General of Oaxaca state, which impacts on information provided to the ruled in the case, which violated his right of access to information, and limit the possibility to know the truth, to freely participate in the formation of the general will, which also shows the violation of this right in the sense that society has the right to receive truthful information, objectively and in the public interest by the authorities.

In this view, it is noted that the fundamental right contained in the first paragraph of Article 6 of the Constitution of the United Mexican States was violated by public servants of the Attorney General for the state of Oaxaca, by omitting to provide truthful information and timely to the governed respect of facts that directly investigated in connection with the death of Mr Bradley Roland Will.

For all of the above National Committee is permitted to make, we respectfully to you, sir attorney general of the republic, governor and president of the Great Commission of H. Congress of Oaxaca state, the following:

V. RECOMMENDATIONS

You sir attorney general of the republic:

FIRST. Will instruct the agent of the Public Prosecutor's Office that integrates the preliminary 11/FEADP/07, to the effect that accelerated research and implemented the appropriate steps to ensure comprehensive analysis of evidence, evidence and evidence that reflected in the above investigation, as well as the contents of this recommendation and will consider those who have provided experts from the International Forensic Program for Physicians for Human Rights, which had been proposed by the National Commission, and enabling determine in a clear,

objective, comprehensive and collegiate mechanics and dynamics of the injuries that caused the death of Mr Bradley Roland Will.

SECOND. Give sight to the holder of the Internal Control Body in the Attorney General's Office, to the effect that determined the start of the corresponding administrative procedure related to public servants of this federal agency that may have incurred delay and failure to investigate the events that led to the death of Mr Bradley Roland Will.

You sir governor of Oaxaca state:

FIRST. There is light at the head of the Secretariat of the Comptroller of the state government of Oaxaca, in order to determine the start of the administrative procedure of ministerial responsibility to staff and police who participated in the integration of the preliminary 1247/CR / 2006, by omissions and deficiencies described in the chapter on observations of this document, and it will give a view of the attorney general of Justice of the state of Oaxaca, in order to give the speech that corresponds to the Public Ministry agent, so that determined that instance with regard to its probable criminal responsibility.

SECOND. There is light at the head of the Secretariat of the Comptroller of the state government of Oaxaca, in order to instruct the administrative procedure of responsibility to staff expert who participated in the various opinions that were surrendered in the preliminary 1247/CR/2006, considering the comments contained in this document, and it will give a view of the Public Ministry agent with respect to determine the probable criminal responsibility.

To you Mr Chairman of the Great Commission of H. Congress of Oaxaca state:

SINGLE. Will turn the respective instructions, to whom it may concern, in order to instruct the then mayor of Santa Lucia del Camino, Oaxaca, the administrative procedure of responsibility, for their failure to provide the information requested by this Committee and National's work in defense of human rights.

This recommendation, as stipulated in Article 102, paragraph B of the Constitution of the United Mexican States, has the character of public and is issued with the

fundamental purpose of both making a statement on an irregular conduct committed by public servants in the exercise of the powers expressly conferred by law, as for the investigation to proceed on the part of the administrative units or any other competent authority for that, pursuant to its powers, to apply sanctions and to terminate leading the irregularity in question.

It should reiterate that the recommendations of the National Commission on Human Rights is not intended in any way discrediting the institutions nor constitute an affront or injury to them or their owners, but on the contrary, they should be designed as a tool indispensable in a democratic society and the rule of law for their strengthened by the legitimacy that its compliance with the authorities and acquire public servants to society. That legitimacy will be strengthened in a progressive manner each time it achieves those who undergo them and their activities to the rule of law and the criteria of justice involving respect for human rights.

In accordance with the provisions of Article 46, second paragraph of the Law of the National Commission on Human Rights, is requested to you that the response on the acceptance of this recommendation, if any, is informed at the end of 15 working days of such notification.

Similarly, based on the same legal basis, it asks you, if any, evidence for the implementation of the recommendation sent to the National Commission within 15 working days from the date it has completed the deadline for reporting its acceptance.

The lack of evidence will lead to an interpretation that the recommendation was not accepted, the National Commission on Human Rights shall be free to disclose this fact.

CAREFULLY

DR. Jose Luis Soberanes Fernandez
PRESIDENT