

In this sense, there is still a duty of assistance in charge of all government bodies so that the competent judge can obtain the necessary information to determine the whereabouts of the victim of the aforementioned crime. Indeed, the Inter-American Court of Human Rights has been emphatic in pointing out that, although in certain circumstances it may be difficult to investigate facts that violate a person's rights, the obligation to investigate these facts must have meaning and be assumed by the State as its own legal duty, and not as a mere management of private interests that depends exclusively on the procedural initiative of the victim or their relatives, or on the private contribution of evidence, but rather that the public authority must effectively seek the truth.³³

Thus, in order to safeguard the rights of the victims, both direct and indirect, in cases of forced disappearance, all the authorities are bound to collaborate promptly and expeditiously with the judge before whom the amparo proceeding was filed. indirectly, using all necessary means to promptly carry out those actions and investigations that are required to clarify the fate of the victims,³⁴ for this purpose, using traditional or official electronic media and, even, through the respective judicial warning, to achieve, where appropriate, the appearance of the complainant before the judicial authority, as an authentic habeas corpus.

The factual consequence of the criterion that is sustained in the present executive order entails avoiding the existence of jurisdictional conflicts by reason of territory when the act claimed is the forced disappearance of a person, thereby leveling the respective procedure in favor of the

All authorities, within the scope of their powers, are obliged to collaborate effectively with the National Search Commission for compliance with this Law.

Each Federative Entity must create a Local Search Commission, which must coordinate with the National Search Commission and carry out, within the scope of its powers, similar functions to those provided for in this Law for the National Search Commission."

³³Case of Velázquez Rodríguez v. Honduras. Background. Judgment of July 29, 1988.

³⁴Case of Radilla Pachó vs. Mexico. Preliminary Exceptions. Background. Reparations and Costs. Judgment of November twenty-three, two thousand and nine.

victims.

For the reasons stated above, the following criteria of heading and text must prevail as jurisprudence:

FORCED DISAPPEARANCE OF PEOPLE. THE JURISDICTION TO HEAR THE COMPLAINT FOR AMPARO FILED AGAINST YOU, IS SUPPLIED IN FAVOR OF THE DISTRICT JUDGE BEFORE WHOM IT IS PROMOTED. The forced disappearance of persons is a crime of a permanent or continuous nature, in which the lack of information from the state authorities about the whereabouts of the person or the refusal to acknowledge the commission of the crime predominates, so it is not always possible to determine with certainty the responsible authorities or the place or places where it is being carried out. Given this circumstance, since the claimed act can be executed in more than one district, or can even begin to be executed in one of them and continue to be executed in another, it is concluded that in terms of article 37, second paragraph, of the Law of Amparo, The judge before whom the amparo claim is filed is competent by reason of territory to hear the amparo claim filed against acts presumably constituting forced disappearance. The foregoing even results in a greater benefit for indirect victims, since it ensures that the person filing the indirect amparo claim has easier access to the amparo trial and can participate immediately in it, in such a way that burdensome requirements are not established regarding circumstances such as the identification of the place of detention or the determination of the responsible authority, personal access to the file, obtain copies, express their opinion, receive direct information,

provide evidence, formulate arguments and, in general, assert your rights effectively.*habeas corpus.*

Based on the foregoing and grounds, it is resolved:

FIRST. There is a contradiction in thesis between those supported by the Second Collegiate Court in Criminal Matters of the First Circuit and the First Collegiate Court in Criminal Matters of the Sixteenth Circuit.

SECOND. The criterion issued by this First Chamber of the Supreme Court of Justice of the Nation must prevail, as jurisprudence, in the terms specified in the last recital of this resolution.

THIRD. Give publicity to the jurisprudential thesis that is based on this resolution, in terms of article 195 of the Amparo Law.

Be notified; with testimony of this resolution, and when appropriate, file the file as a closed matter.

This was resolved by the First Chamber of the Supreme Court of Justice of the Nation, by unanimity of five votes of the Minister Norma Lucía Piña Hernández and the Ministers: Luis María Aguilar Morales (Speaker), Jorge Mario Pardo Rebolledo, Alfredo Gutiérrez Ortiz Mena and President Juan Luis González Alcántara Carrancá.

Signed by the President of the Chamber and the Minister Rapporteur, with the Secretary of Agreements, who authorizes and attests.

PRESIDENT OF THE FIRST ROOM

MINISTER JUAN LUIS GONZÁLEZ ALCÁNTARA CARRANCÁ

SPEAKER

MINISTER LUIS MARÍA AGUILAR MORALES

**AGREEMENTS SECRETARY
FROM THE FIRST ROOM**

LIC. MARIA DE LOS ANGELES GUTIERREZ GATICA

In terms of the provisions of articles 113 and 116 of the General Law on Transparency and Access to Public Information, and 110 and 113 of the Federal Law on Transparency and Access to Public Information; as well as in General Agreement 11/2017, of the Plenary of the Supreme Court of Justice of the Nation, published on September 18, 2017 in the Official Gazette of the Federation, in this public version the information legally considered as reserved or confidential information that falls within those normative assumptions.

LGM