

TELÉFONOS DE MÉXICO? ARE YOU AN AUTHORITY?... HELLO?... HELLO?... DID I DIAL THE WRONG NUMBER?

Teléfonos de México is a telecommunications company that, having started off with a very wide operation base in Mexico, has expanded to the United States of America and different countries of Latin America, such as Argentina, Brazil, Colombia, Chile, Ecuador, Guatemala, Dominican Republic, and Uruguay, amongst others, with diverse denominations.

In many occasions their services have left much to be desired. One of the many consequences resulting from the aforementioned is that the indigenous community Hñähñu, located in the State of Hidalgo, Mexico, filed an *amparo* lawsuit (a constitutional process that protects human rights) against Teléfonos de México (TELMEX) in September 2013, basically for not repairing the multiple malfunctions in the facilities and for not reinstalling the fixed telephony service. In other words, for leaving the community without service.

The District Court allowed the *amparo*. TELMEX objected to that allowance, arguing that it is not an authority for purposes of the *amparo*, nor does it perform acts equivalent to one (in other words, it is also not a "responsible individual"), and it filed a remedy (known as *queja*) stating that the matter should be dealt with by a Circuit Court. However, somebody requested that the Supreme Court exercise the so-called "*facultad de atracción*" (a writ of *certiorati*).

The Second Panel of the Supreme Court allowed that remedy in order to determine if TELMEX should be considered an individual ("responsible individual") that acts as an authority for violating human rights, according to the official statement of January 2014 from the Court itself.

Once the steps were followed, the Second Panel ruled that... TELMEX is an authority for purposes of the *amparo*? No, it did not. Is TELMEX a "responsible individual" for purposes of the *amparo*? Not either. That TELMEX is not an authority or "responsible individual" for the purposes of the *amparo*? Not at all.

So what happened then? What did it rule? As in many other cases, and without varying the diverse criteria established by the Federal Judicial Branch, it ruled that... it is not known! That it will not be until the whole process is conducted before the District Court that the latter will rule if TELMEX is, indeed, an authority or “responsible individual.” In other words, the matter is easy and the case will simply return to the District Court so it defines the situation at the end of the road...

But, according to the own official statements of the Court, the writ of *certiorari* was in fact exercised by the Second Panel in order to determine if TELMEX carries out or not equivalent acts to those of an authority that violates human rights. Why was there no ruling then? Why was the writ of *certiorari* exercised?

Nobody knows what happened; maybe what happened is that... maybe... somebody, in an inadequate moment... dialed a wrong number...