



Comisión Nacional de los Derechos Humanos

México

Recommendation 077/2009

The following is a synopsis of the recommendation emitted by the CNDH . The complete version may be consulted on this institution's web page.

28th of December, 2009

Case: Of V1

Responsible Authority: Secretariat of National Defense

The National Commission emitted its Recommendation 77/09 directed towards the Secretary of National Defense, given that on the 22nd of January 2009, Mexican Army personnel detained V1 in Tijuana, Baja California putting him, almost 12 hours later, at the disposal of an Agent of the Public Ministry of The Federation in Tijuana, Baja California, who in turn initiated a prior investigation regarding crimes against health and the violation of the Federal Law of Firearms and Explosives.

Subsequently, the Fourth Federal Penal Judge Specialized in Searches, Confinements and Communications Interception decreed confinement against V1 as and from that date for a period of 40 days, in the PGR's Federal Investigations Center, however, Official Medical Appraisers of that agency certified that V1 presented visible evidence of external physical violence.

Based on the previously described evidence, such as the medical certificates, the contents of the ministerial and preparatory declarations, as well as the contents of the technical opinion given by the Coordination of Appraisal Services, this CNDH considers that the injuries inflicted upon V1 by personnel of the Secretariat of National Defense, with the intention of him providing information about certain people and events, are acts of Torture.

Equally, it considers that V1 was subject to torture due to the injuries he presented, which constitutes as a serious violation against humanity; implying an attack against human beings' right to the respect of their physical and psychological integrity as well as their dignity.

As a result, this National Commission recommended that the Secretary of National Defense proceeds with the reparation of the damage of V1, as a consequence of the institutional responsibility incurred by personnel of the Mexican Army.

It is also required that the Human Rights General Management of the Secretariat of National Defense thoroughly collaborates with the Mexican National Human Rights Commission in the presentation of a declaration of events before the Office of the Attorney General of Military Justice and the Office of the Attorney General respectively, with the objective that they, in the extent of their legal authority, start a prior investigation in accordance with the law against the military personnel that intervened in the previously mentioned events.