



Comisión Nacional de los Derechos Humanos

México

Recommendation 011/2010

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

Mexico City, March 1, 2010

Subject: On the case of Torture against V1, V2 and V3.

Authority Responsible:

Secretary of National Defense

The Mexican National Human Rights Commission issued Recommendation 11/2010, as a result of the acts in violation of human rights committed against V1, V2 and V3 on June 7, 2008 in the city of Ojinaga, Chihuahua.

In this regard, Q1 pointed out that, on the above-mentioned date, and at approximately 03:00 a.m. hours, several members of the Mexican Army entered his mother-in-law's house on Calle 24 and Bolívar, in that locality, and took V1 and V2, who were later released; as a result of these events, his mother-in-law's blood pressure increased considerably, and so they had to take her to hospital; he added that at 06:00 a.m. hours of that same day, upon returning from the hospital, when passing by Hotel Cañón del Peguis, he saw several members of the Mexican Army, a military vehicle and the "snout of the truck" belonging to V3. He therefore went to the reception desk of that establishment and saw that V3 had been arrested by the military and was being held at gun point with a machine gun, his face was covered by his t-shirt; he declared that he followed them but lost them.

He stated that on the journey, he went past the house located on Calle 24 and Bolívar and could see that V3 was in the back of the above-mentioned military vehicle, which he reported to this national institution so that an investigation should be made regarding the manner in which these SEDENA public servants acted in the arrest of V1, V2 and V3, as well as the search carried out in their home without a search warrant.

From the legal logical analysis carried out in conjunction with the evidence that forms part of the file of complaint, the National Commission considers that violations to the fundamental rights of freedom, legality, legal security, personal integrity and safety provided for in Articles 14, second paragraph, 16, paragraphs one and five, 21, paragraphs one and nine and twenty-two, paragraph one of the current Political Constitution of the United Mexican States to the detriment of V1, V2 and V3 have been confirmed due to actions consisting of arbitrary detention, illegal restraint, solitary confinement, cruel and inhumane treatment, torture and delays in presenting V3 before the prosecuting authority, attributable to public

servants from the Third Independent Infantry Company in Ojinaga, Chihuahua, of the Secretariat of National Defense (SEDENA).

The National Institution considers it advisable to formulate the following Recommendations:

Extensive collaboration with CNDH in the filing of the complaint that this public institution submits to the General Inspection and Comptrollership Unit of the Mexican Army and Air Force against public servants of SEDENA involved in the incidents set forth in this case.

Initiate and duly compile the prior investigation derived from the statement of facts that this human rights protection body submits to the Office of the Attorney General for Military Justice against the Mexican Army members involved in the human rights violations incidents in question and criminal responsibility is determined so that those responsible are sanctioned.

That damage caused to the victims and their families is redressed by means of the corresponding compensation according to law.

That measures be implemented so that the members of the Mexican Army abstain from trying to intimidate the personnel of the National Commission, instructing them to provide all necessary collaboration to carry out investigations on possible human rights violations in which members of the Mexican Army might be involved, informing this human rights protection institution of the measures and actions implemented so that it can follow up on their compliance.

It is guaranteed that people who are arrested during operations carried out by members of the Mexican Army are not transferred to military facilities, but are placed at the immediate disposal of the corresponding authority.

In order to guarantee the impartiality and objectivity of military medical personnel in certification on medical condition, courses should be given aimed at verifying compliance with the legal and ethical duties of adhering to procedures of medical review established in the regulations.