



Comisión Nacional de los Derechos Humanos

México

Recommendation 013/2010

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 3, 2010

Subject: On the case of V1

Authority Responsible:

National Secretary of Public Safety

On June 24, 2008, the National Commission received an official letter from the federal public defense counsel of the Federal Public Defense Institute of the Council of the Federal Judiciary of the Federal Judiciary, under the Joint Unit for Attention to Retail Drug Trafficking based in Tijuana, Baja California together with a written complaint or declaration of facts attached and signed by "V1", which states that on June 22, 2008 he was arrested, without a warrant, at his home, by members of the Federal Police.

In order to carry out the arrest, the above-mentioned members of the police burst into his home without his permission, threw him on the ground and asked him where the "good stuff" was, to which he answered that he did not know what they meant and that he lived alone, they hit him in the stomach and in the face, searched his home while keeping him on the floor and threatened him saying that if he moved, they would hit him again; that after about 20 minutes, they pushed him out of the house and into in a patrol car where, after about five minutes, one of the federal police officers showed him nine packages and told him they had found them in his home; he was therefore transferred to the Federal Police station and later was transferred to the Joint Unit for Attention to Retail Drug Trafficking (UMAN) of the Office of the Attorney General of the Republic (PGR) in Tijuana, Baja California.

From the legal logical analysis performed on the evidence that forms part of the complaint file, it is evident that the personnel from SSP (Secretariat of Public Security) incurred in an act of torture to the detriment of "V1," violating his rights to legality, legal security, inviolability of the home, dignified treatment as well as personal security and safety.

Therefore, it can be concluded that public servants "AR1" and "AR2" of the Federal Secretariat of Public Safety who violated "V1's" human rights with their actions, probably failed to comply with the provisions of Articles 8, sections I and XXIV of the Federal Law on Administrative Accountability of Public Servants; 1, 2 and 5 of the Code of Conduct for Law Enforcement Officials by failing to observe the duties

conferred on them by their posts as well as non-compliance with legal provisions to which they are obligated, exceeding their authority.

The CNDH makes the following Recommendations to the Secretary of Public Safety:

Instructions be issued so that the damage caused to "V1" be redressed by means of the necessary psychological, medical and rehabilitation help that make it possible to reestablish the physical and psychological condition he was in prior to the violation of his human rights.

That full collaboration with CNDH is provided in filing the complaint that this public institution submits to the Internal Control Body of the Federal Police against the former Preventive Federal Police Officers "AR1" and "AR2" for the irregularities in which they incurred, and that evidence of its compliance is sent to the National Commission.

That it issues instructions to whom it may concern so that, in the sphere of his competence, guidelines and actions for the adequate prevention of torture are established by training the members of the Federal Police in order to prevent the conduct described in this Recommendation from being repeated.