



Comisión Nacional de los Derechos Humanos

México

Recommendation 015/2010

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, April 22, 2010

Subject:Regarding the case of Cruelty Perpetrated to the detriment "V1"

Authority Responsible:

Secretary of National Defense

On September 2, 2009 the National Institution received a written complaint from "Q1", stating that in October 2008, members of the Mexican Army detained the person he represents, "V1," and transferred him to the "military facilities in Sarabia" located in the state of Guanajuato where he was beaten in different parts of the body by his captors. It was also stated that once he was placed at the disposal of the Agent of the Public Prosecutor of the Federation assigned to the Delegation of the Office of the Attorney General of the Republic in the above-mentioned state with its headquarters in León, the medical appraiser of said agency certified that was wounded.

C. For the adequate compiling of the file in question, information was requested from the General Director for Human Rights of the Secretariat of National Defense and from the Head of the State Center for Social Rehabilitation in Valle de Santiago, Guanajuato.

On September 14, 2009, personnel assigned to this National Institution appeared at the State Center in question in order to talk to "V1" and gather information related to the case. In addition, they also consulted the respective criminal lawsuit in the index of the Eighth District Court in the state of Guanajuato issued against him and by which, in due course, he was sentenced to a prison term upon being found guilty of the commission of offences contemplated within the Federal Law on Firearms and Explosives.

The National Commission believes that the ill-treatment inflicted on "V1" is an attempt on human beings' right to have their physical and psychological integrity respected, as well as their dignity. Therefore, such behavior also violates the provisions of Articles 14, second paragraph, and 16, first paragraph, of the Federal Constitution.

Therefore, Mr. Secretary of National Defense, due to the statements above, the Mexican Human Rights Commission, respectfully presents you with the following:

Recommendations

FIRST. That instructions be issued to the effect that the harm caused to "V1" be redressed by means of the necessary psychological, medical and rehabilitation support that make it possible to reestablish the physical and psychological condition he was in prior to the violation of his human rights, based on the considerations set forth in the body of the present recommendation, sending proof of compliance to the National Commission.

SECOND. Collaborate amply with the Mexican National Human Rights Commission regarding the filing and processing of the complaint that this public body brings before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force against personnel of the Secretariat of National Defense which took part in the events set forth in this case, sending proof of compliance to the National Institution.

THIRD. Collaborate fully with the National Institution in the filing and execution of the preliminary investigations derived from the declaration of events that the National Institution submits before the Agents of the Public Prosecutor of the Office of the Attorney General for Military Justice and to the Office of the Attorney General of the Republic, respectively, against the members who took part in the events stated in this case.

FOURTH. Instruct whomever it may concern so that training is provided to personnel of the Secretariat of National Defense who participate in detentions and/or arrests so that the unrestricted respect of human rights is guaranteed, informing this body about its compliance.