



Comisión Nacional de los Derechos Humanos

México

Recommendation 019/2010

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 29, 2010

Subject: Regarding the case of Illegal Detention and Torture to the Detriment of V1

Authority Responsible:

Secretary of National Defense

On March 13, 2009, the National Commission received the file of complaint submitted by V1 in which he declared that during the early hours of March 1, 2009, as he slept in his home located in the municipality of Unión de Isidoro Montes de Oca, Guerrero, personnel from the Secretariat of National Defense (SEDENA) burst into his home and questioned him about weapons and about his neighbors. When he replied that he had no weapons and that he did not know the people who lived next door, they arrested him and beat him, causing a number of wounds. He also stated that at 8:00 p.m. on the same day, he was placed at the disposal of the Agent of the Public Prosecutor of the Federation in Acapulco, Guerrero, where a medical expert assigned to the Office of the Attorney General of the Republic (PGR), carried out a medical inspection and certified that he had injuries that put life at risk, therefore transferring him to the General Hospital in Acapulco, Guerrero, where he made his sworn statement.

Due to the above-mentioned events, the National Commission filed complaint No. CNDH/2/2009/1262/Q on March 18, 2009 and, in order to document the human rights violations reported, assistant visitors from the CNDH carried out various tasks to compile information and the respective documentation. Similarly, reports were requested from the authorities involved, whose logical juridical assessment is the object of analysis in the chapter on observations of this recommendation.

From the logical juridical analysis carried out on the evidence that makes up complaint file CNDH/2/2009/1262/Q, the National Institution considers that there is proof of violation to the human rights to freedom, integrity and personal safety, as well as of legality and legal certainty, consisting of illegal detention, postponing the appearance of the prisoner before the competent authority and torture and solitary confinement attributable to civil servants of the 4th. SEDENA Mortar Group in Zacatula, Guerrero.

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

Recommendations

FIRST. That the appropriate measures be taken 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, and to advise this National Commission about the outcome.

SECOND. That full collaboration be provided to the Mexican National Human Rights Commission in the filing of the complaint that this public body brings before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force against civil servants of the Secretariat of National Defense (SEDENA) who took part in the events set forth in this case, sending all evidence and proof of compliance requested to this human rights protection body.

THIRD. To 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 that criminal responsibility is determined so that those responsible are sanctioned, forwarding any requested proof of compliance.

FOURTH. Due collaboration be provided in the investigations of the complaint resulting from the facts that the Mexican National Human Rights Commission submits to the Office of the Attorney General of the Republic, as it involves federal civil servants, providing this National Institution with all proof of compliance requested.

FIFTH. That military personnel is instructed to place persons caught in flagrant criminal activity at the immediate disposal of the corresponding prosecutor's authority so as not be transferred to military facilities, and having done the above, this National Institute be duly advised.

SIXTH. In order to guarantee the impartiality and objectivity of military medical personnel when issuing physical condition certifications, training should be provided in order to verify compliance with the legal and ethical duties of abiding by the medical review procedures established in the regulations; without omitting to describe the injuries observed, providing medical care. The obligation to report cases in which ill-treatment or torture are presumed to the Agent of the Public Prosecutor must also be executed, notifying the National Institution upon completion.

SEVENTH. Instructions be issued to whomever it may concern so that SEDENA civil servants receive training to ensure that all actions or duties are carried out according to law and with respect for human rights, ensuring respect of life and integrity and personal safety; so that they do not incur in torture, humiliating and/or ill-treatment, notifying the National Institution once the above-mentioned recommendation is carried out.