



Comisión Nacional de los Derechos Humanos

México

Recommendation 020/2010

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 Cruelty perpetrated against minor V1

Authority Responsible:

Secretary of National Defense

On June 8, 2009, this National Institution received, in light of its federal jurisdiction, the complaint filed by Q1 before the State Human Rights Commission in Michoacán. In it he stated that V1, a 16 year old whose mental faculties are equivalent to those of a child 4 or 5 years old, attended a party on June 6, 2009 in "El Naranjito", municipality of La Unión, state of Guerrero. Whilst there he helped collect aluminum cans and upon leaving the place at approximately 1:00 a.m. the next day, with a black plastic bag containing the result of his efforts, members from the Mexican Army assigned to the Infantry Battalion at Zacatula, state of Guerrero, who at the time were apparently carrying out a raid, shot him, for no apparent reason, injuring him in the knee. On hearing the shot, the guests at the above-mentioned party tried to leave but the military prevented them from doing so, as they established a cordon around V1 and did not allow anyone to come close, not even his family members.

Despite the fact that V1 was wounded, the military transferred him to the facilities of the Zacatula Battalion and did not provide him with medical care, and it was not until 1:05 am. on June 7, 2009, that the minor V1 was admitted to Lázaro Cárdenas General Hospital, remaining under the custody of military personnel during all this time.

The logical juridical analysis carried out on evidence that constitutes file CNDH/2/2009/2683/Q, warns of violations to the basic rights to legality, legal certainty and personal integrity and safety provided for in Articles 14, second paragraph, and 16, first and fifth paragraphs, of the Political Constitution of the United Mexican States, to the detriment of minor V1- All this as a result of acts consisting of wounding, detention and illegal restraint, as well as omission to provide aid him, attributable to SEDENA civil servants.

Thus, the National Commission became aware of the fact that the personnel of the Mexican Army who took part in the events described made wrongful use of force to the detriment of V1, injuring him and failing to provide him with medical assistance,

resulting in cruel, inhuman or degrading treatment, a situation which evidently contravenes the right to personal integrity and safety.

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 are taken in order to provide appropriate compensation and repair the damage caused to V1, providing him with the necessary psychological, medical and rehabilitation assistance which allows him to return to his original physical and psychological state, informing this National Commission about its 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 proof of compliance to the National Institution.

THIRD. To initiate and duly compile the preliminary investigation derived from the statement of facts that the National Institution submits to the Office of the Attorney General for Military Justice against the Mexican Army members involved in the human rights violations observed and that criminal responsibility is determined so that those responsible are sanctioned, submitting any requested proof of compliance to the CNDH.

FOURTH. Due collaboration be provided in the investigations derived from the complaint relative to 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, sending this National Institution proof of compliance as requested.

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

SIXTH. That courses be imparted in order to verify compliance with legal and ethical duties of adhesion to medical reviewing procedures established in the regulations as well as providing medical assistance whenever required

SEVENTH. That instructions be issued to whomever it may concern so that SEDENA civil servants receive training so that all actions or duties are carried in accordance with the law and with respect for human rights, ensuring respect to life

and integrity and personal safety; preventing them from incurring in torture, humiliating and/or ill-treatment, duly informing the National Commission once the above has been carried out.