



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 021/2010**

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 Torture committed to the detriment "V1,"**

**who is confined in the State social Rehabilitation Center in Aquilés Serdán, Chihuahua**

**Authority Responsible:**

**Secretary of National Defense**

**Constitutional Governor of the State of Chihuahua**

On August 10, 2009, the State Human Rights Commission of Chihuahua sent this National Institution, by reason of its competence, "Q1's" written complaint. In it he stated that at around 10:30 a.m. on July 23, 2009, "V1's" cell-mate, who was being held at the prison in question, made a telephone call to V1's daughter-in-law to inform her that military personnel had come looking for "V1" and then beating him during approximately half an hour, due to which other inmates had to take him to the hospital of such detention center.

He added that on this date he came to visit "V1" together with other persons and realizing that V1 showed injuries in several parts of his body, hearing that he had been beaten by members of the Mexican Army, who handcuffed him, threw him on the floor, beat him with bottles and placed a plastic bag on his head while they gave him electric shocks and asked him "who he worked with and where the guns were," as well as threatening to beat him again at a later time and "sow drugs" in his belongings.

From the logical juridical analysis of the evidence that makes up the file, it became evident that "V1's" human rights had been violated, specifically his rights to personal integrity and safety, as well as dignified treatment, by the members of the Secretariat of National Defense who carried out the above-mentioned raid on July 23, 2009, as they perpetrated acts of torture; as well as attempts on legal certainty by prison and prosecutor's staff "AR2" and "AR1" respectively, of the previously mentioned state center.

Therefore, due to the statements above, the Mexican National Human Rights Commission respectfully presents you with the following:

## **Recommendations**

To you, Mr. Secretary of National Defense:

FIRST. That instructions be issued to the effect that the damage caused to "V1" is 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. That full collaboration be provided to the Mexican National Human Rights Commission in the filing of the complaint before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force against personnel of the Secretariat of National Defense who took part in the events set forth in this case, sending proof of compliance as requested to the CNDH.

THIRD. That full collaboration be provided to the Mexican National Human Rights Commission in the filing and compiling of the preliminary investigations derived from the declaration of events that the CNDH 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. To issue instructions to whomever it may concern in order to prevent military personnel from carrying out raids in detention centers without being accompanied by civil authorities, provided that a specific prior mandate has been issued; abstaining from carrying out any act of physical or psychological ill-treatment, sending proof of compliance to this national institution.

To you, Mr. Constitutional Governor of the State of Chihuahua:

FIRST. That full collaboration be provided to the Mexican National Human Rights Commission in the filing of the complaint to be submitted to the Internal Control Body of the State Public Security Secretariat against personnel from the aforementioned detention center and prosecutor's "AR1" personnel commissioned on the day of the raid for the omissions described above, sending proof of compliance to this national institution.

SECOND. That full collaboration be provided to the Mexican National Human Rights Commission in filing the preliminary investigation resulting from the declaration of events submitted by this Institution to the Office of the Attorney General of the State of Chihuahua against penitentiary personnel "AR2" and prosecutor's staff "AR1" for the omissions described in this statement to the corresponding prosecuting authority.