



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 022/2010**

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, May 7th, 2010**

**Subject: Regarding the case of Unjustified Retention and Torture to the detriment of V1**

**Authority Responsible:**

**Secretary of National Defense**

On the 9th of May 2009, members of the Mexican Army detained V1 in Ciudad Juarez, Chihuahua, handing him over to an agent of the Federal Public Prosecutor's Office within the area at 21:40 hours due to his probable involvement in committing crimes against health, as stated in the agreement to initiate prior investigation AP/PGR/CHIH/JUA-IV/843/09. Medical appraisers from the Attorney General's Office certified that V1 presented visible external physical violence markings before giving the corresponding declaration.

The Mexican National Human Rights Commission does not wish to comment on the actions performed by the judicial authority; it does however wish to comment on the human rights violations committed to the detriment of V1, attributed to Mexican Armed Forces (Army) personnel who, when performing public safety duties to fight organized crime, infringed upon his physical integrity and his personal and juridical safety.

In light of these events, the Mexican National Human Rights Commission considers the wounds inflicted on V1 by Army personnel with the aim of obtaining information about certain incriminatory events to be acts of torture given that they did not result merely from the use of techniques to subdue due to possible resistance at the time of the arrest. Army personnel never mentioned V1 resisting arrest, which is all the more reason for not considering these wounds as necessary in order to subdue a person.

As a result, the Mexican National Human Rights Commission presents the following

### **Recommendations:**

First. Instruct whomever it may concern in order to take the necessary actions to repair the damages caused to V1, resulting from the torture he was subjected to, through the medical and psychological treatment required to reestablish his

physical and mental health, sending proof of compliance to the National Commission.

Second. Proceed to instruct whomever it may concern so that the Secretariat of National Defense designs and implements a Comprehensive Human Rights Education and Training Program aimed at the middle and upper ranks as well as Army and Air Force officers, seeking to achieve that the duties they carry out in accordance with their jurisdiction, abide by the legality and respect of human rights, sending proof of compliance to the national commission.

Third. Issue instructions to whomever it may concern so that a newsletter issued for the middle and upper ranks as well as Army and Air Force officers is circulated, notifying that people arrested committing a crime in flagrante should be immediately handed over to the corresponding prosecuting authority without using military facilities as detention and retentions centers, sending proof of compliance to the national commission.

Fourth. Issue the necessary instructions to whomever it may concern so that Army personnel involved in public safety duties, mainly operatives against organized crime, refrain from using force except when strictly necessary, thus avoiding abuse of power through actions like the torture of the 16 people they detained as a result of these duties; sending proof of compliance to the National Commission.

Fifth. Instructing those responsible in order to collaborate with the Mexican National Human Rights Commission in the administrative procedure of investigation initiated before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force, owing to the considerations mentioned within this recommendation, forwarding to this effect any proof of compliance which may be requested.

Sixth. Issue instructions to whomever it may concern in order to amply collaborate with the presentation and follow-up of the declaration of events presented by the national commission before the Attorney General's Office and the Office of the General Attorney of Military Justice, so that they may initiate the legally proceeding prior investigation in accordance with their respective jurisdictions, given that it was the conduct of federal public servants which provoked the current recommendation. It must send the national commission proof of compliance as requested.