



Comisión Nacional de los Derechos Humanos

México

Recommendation 023/2010

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 11th, 2010

Subject: About the case of cruel treatment to the detriment of "V1"

Authority Responsible:

Federal Public Safety Secretary

On September 2nd 2009, the National Commission received a complaint from "Q1", in which he stated that in October 2008, Mexican Army personnel arrested, "V1", a man he represents, taking him to the "military facilities in Sarabia" located in the state of Guanajuato. He was beaten in different places by his captors; he added that once he was handed over to the agent of the Federal Public Prosecutor's Office assigned to the Delegation of the Attorney General's Office within the mentioned federative entity, based out of Leon, the medical appraiser of such office certified he was wounded.

C. In order to properly assemble the reference file, information was solicited from the general director of Human Rights of the Secretariat of National Defense as well as from the head of the State Correctional Institution in Valle de Santiago, Guanajuato.

On the 14th of September 2009, personnel assigned to the National Commission arrived at the State Correctional Institution in question with the goal of interviewing "V1" and gathering information on the case, whilst also consulting the corresponding penal cause in the index of the Eighth District Court Tribunal of the state of Guanajuato which was administered against him, thanks to which he was sentenced to prison for having been proven guilty of committing crimes classified in the Federal Firearms and Explosives Law.

The National Commission estimates that the mistreatment inflicted upon "V1" constitutes an attack on a human being's right to the respect of his or her physical and psychological integrity and dignity, meaning that through such conduct the contents of articles 14, second paragraph and 16, first paragraph of the Federal Constitution were also infringed upon.

In view of these events, the Mexican National Human Rights Commission respectfully presents you, Mr. Secretary of National Defense, with the following:

Recommendations

First. Issue instructions so that the damage caused to "V1" is repaired through the necessary psychological, medical and rehabilitation assistance which allow for the reestablishment of the physical and psychological condition he was in prior to the violation of his human rights, based on the considerations set forth in this recommendation and sending proof of compliance to the National Commission.

Second. Collaborate fully with the Mexican National Human Rights Commission in the initiation and processing of the complaint that the public institution presents before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force against Secretary of Defense personnel who intervened in the events recorded in this case, sending proof of compliance as requested to the national commission.

Third. Collaborate extensively with the National Commission in the initiation and assembly of the prior investigations derived from the declaration of events which the National Human Rights Protecting Body presents before the agents of the Public Prosecutor's Office of the Office of the General Attorney of Military Justice and of the Attorney General's office, respectively, against personnel who intervened in the events set forth in this case.

Fourth. Issue instructions to whomever it may concern in order to foster the training of Secretariat of National Defense personnel involved in detentions and /or arrests in order to guarantee the unrestricted respect of human rights, keeping the Institution informed about this situation.