Recommendation 024/2010

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 18th, 2010

Subject: About the legal recourse of impugnation of Q1

Authority Responsible:

Constitutional Governor of the State of Tabasco

The State Human Rights Commission of Tabasco initiated the file CEDH/2V-0182/2009 and after having performed the corresponding investigation, accredited the existence of violations to the rights to freedom and personal integrity committed to the detriment of V1. They are attributable to personnel assigned to the Public Prosecutor's Police Force of the District Attorney's Office of the state of Tabasco, being the reason why it addressed recommendation 03/2009 at the District Attorney of such federative entity on the 6th of February 2009.

On the 30th of March 2009, Q1 presented a legal recourse of impugnation at the State Human Rights Commission of Tabasco, in protest of the response which the District Attorney's Office of such entity announced to him on the 4th of March 2009. In it, this office stated its refusal of recommendation 00372009 which was issued against it by the human rights protecting and defending Body of the state, arguing that the behavior of its officials was in accordance with the law. The events which provoked the aforementioned recommendation occurred on the 1st of April 2008 at approximately 08:00 hours whilst V1 was walking in the company of V2 along Mendez Avenue in the Tamulté de las Barrancas quarter of Villahermosa, Tabasco. According to Q1, personnel assigned to the Public Prosecutor's Police Force detained, beat and retained V1 until 19:00 hours, at which time they presented him before the agent of the State Public Prosecutor's Office in Tabasco, accusing him of committing a violent robbery in a business. This, in turn, lead Q1 (sister of V1) to file a complaint before the State Human Rights Commission of Tabasco on the 2nd of April 2008.

The State Commission forwarded this recourse of impugnation to the Mexican National Human Rights Commission on the 1st of April 2009 leading to the initiation of the 4th file CNDH/1/2009/127/RI, requesting information from the District Attorney of Tabasco and other authorities.

As a result of the logical-juridical analysis performed on the evidence which makes up the file in question, the Cndh considers the recourse of impugnation set forth by

Q1 against the non-acceptance of recommendation 003/2009 by the District Attorney of Tabasco to be valid and well founded.

Therefore, based on article 66, clause a) of the Mexican National Human Rights Commission Law, the CNDH confirms that recommendation 003/2009 of the State Human Rights Commission of Tabasco was issued in accordance with the law on the 6th of February 2009, leading it to issue the following Recommendation:

First and last. Instruct the District Attorney of the state of Tabasco to comply with the clauses of recommendation 003/2009 issued by the State Human Rights Commission of Tabasco, sending proof of compliance to the national commission.