



Comisión Nacional de los Derechos Humanos

México

Recommendation 49/2011

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, September 28th, 2011

SUBJECT: ABOUT THE CASE OF ARBITRARY DETENTION, ILLEGAL RETENTION, ISOLATION AND TORTURE OF V1, V2 AND V3

AUTHORITY RESPONSIBLE: SECRETARY OF NATIONAL DEFENSE, FEDERAL SECRETARY OF PUBLIC SAFETY

At approximately 05:00 hours on September 19th, 2008, V1, V2 and V3 were detained in each of their homes located within the municipality of Ciudad Lerdo, Durango by soldiers of the Mexican Army's 72nd Infantry Battalion from the 5 de Mayo Military Complex in Durango, as well as by Federal Support troops of the Secretariat of Public Safety's former Preventive Federal Police Force (PFP), without showing a warrant to justify their actions.

The three of them were beaten and forced to board vans of the Secretariat of National Defense (SEDENA) and of the former PFP and were then taken to the facilities occupied by military personnel within the Municipal Police Academy in Ciudad Lerdo, where they underwent physical and psychological mistreatment in order to reveal information related to various crimes. They were then taken to the 5 de Mayo Military Complex, where the aggressions and torture continued. V1, V2 and V3 were brought before the agent of the Public Prosecutor of the Federation's Office in Durango, Durango at 07:00 hours on the 20th of September 2008, approximately 25 hours and 30 minutes after they were detained.

From the logical juridical analysis performed on the entirety of the evidence contained within complaint file CNDH/2008/5026/Q, the National Commission observed that civil servants from the Secretariat of National Defense's 72nd Infantry Battalion located in the community of 5 de Mayo, Durango and Federal Support troops of the Secretariat of Public Safety's former Preventive Federal Police Force violated the fundamental rights to legality, legal certainty, integrity and personal safety, stipulated by articles 14, second paragraph; 16, first and fifth paragraphs; 21, first and ninth paragraphs and 22, first paragraph, of the current Political Constitution of the United Mexican States, to the detriment of V1, V2 and V3. This was the result of acts consisting in arbitrary detention, illegal retention, isolation, torture and delay in bringing them before the prosecuting authority.

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **Recommendations**:

To you, Mr. Secretary of National Defense:

First. Repair the damage caused to V1, V2 and V3 by means of the medical, psychological and rehabilitation assistance required to return their physical and psychological condition to the way they were before their human rights were violated, informing the National Commission about the result.

Second. Collaborate generously with the CNDH in the processing of the complaint it presents before the General Inspection and Comptrollership body of the Mexican Army and Air Force against the civil servants of SEDENA who participated in the events condemned in this case, sending any evidence requested as well as proof of compliance to the National Commission.

Third. 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, respectively, so that they may initiate the legally proceeding prior investigations 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.

Fourth. Guarantee that the people detained during the operatives performed by Mexican Army personnel will not be taken to military facilities, bringing them instead before the corresponding prosecuting authority immediately.

Fifth. Instruct whomever it may concern in order for SEDENA civil servants to receive training to ensure that all diligences or actions are performed lawfully and with respect for human rights, guaranteeing respect for life and for personal safety and integrity; refraining from incurring in torture and cruel or degrading treatment. Having done this, the national commission must be given a detailed report.

To you, Mr. Secretary of Public Safety:

First. Repair the damage caused to V1, V2 and V3 by means of the medical, psychological and rehabilitation assistance required to return their physical and psychological condition to the way they were before their human rights were violated, informing the National Commission about the result.

Second. Collaborate amply with the CNDH in the processing of the complaint which the public institution presents before the Internal Affairs Body of the Federal Police Force against the civil servants of the Federal Support troops of the Secretariat of Public Safety's Federal Police Force who participated in the events condemned in this case.

Third. Generously collaborate with the CNDH in the processing of the report which the Commission presents to the Attorney General's Office in response to the probable crimes committed by personnel of the Federal Support troops of the Federal Police Force which was involved in the events.

Fourth. Guarantee that the people detained during the operatives performed by the Federal Support troops of the Secretariat of Public Safety's Federal Police Force will not be taken to Federal Police or military facilities, bringing them instead before the corresponding prosecuting authority immediately.

Fifth. Instruct whomever it may concern so that the civil servants of the Secretariat of Public Safety are trained to ensure that all diligences or actions are performed lawfully and with respect for human rights, guaranteeing respect for life and for personal safety and integrity; refraining from incurring in torture and cruel or degrading treatment. Having done this, the national commission must be given a detailed report