



Comisión Nacional de los Derechos Humanos

México

Recommendation 50/2011

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 29th, 2011

SUBJECT: ABOUT THE CASE OF THE TORTURE OF V1 AND V2

AUTHORITY RESPONSIBLE: SECRETARY OF NATIONAL DEFENSE

On January 21st 2009, at around 21:30 hours, Mexican Army personnel detained V1 and V2 at the corner of Boulevard Independencia (libramiento) and Puerto de Palos street in the Patria district of Ciudad Juarez, Chihuahua when they were on their way to visit a client. They were subsequently taken to the military facilities of the 20th Motorized Cavalry Regiment, where they were tortured in order to obtain their confession accepting they had been involved in several crimes. At 17:30 hours on January 23rd, 2009, V1 and V2 were brought before the agent of the Public Prosecutor of the Federation's Office in Ciudad Juarez, Chihuahua, to whom they gave their statements. Their wounds were then confirmed, leading to the initiation of prior investigation (AP) AP1.

From the logical juridical analysis performed on the entirety of the evidence contained within the file at hand, the Mexican National Human Rights Commission warned that V1 and V2 were detained by SEDENA personnel on January 21st 2009, at around 21:30 hours. On this matter, Q1 stated in her complaint that she had a telephone conversation with Q1 at around 10:00 hours during which he told her he had been detained by Mexican Army personnel. This led Q1 to visit the gas station located on the corner of Boulevard Independencia (Libramiento) and Puerto de Palos Street in the Patria district of Ciudad Juarez, Chihuahua, where an employee of SEDENA told her that her husband had been detained.

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 and V2 by means of the medical, psychological and rehabilitation assistance required to return their physical and mental health to the way it was before their human rights were violated, sending proof of compliance to the National Commission.

Second. Instruct whomever it may concern so that the application of the "Human Rights Program, Secretariat of National Defense (S.D.N.) 2008-2012" and the "Program for the Promotion and Strengthening of Human Rights and International

Humanitarian Law S.D.N. 2010” is intensified. These programs must be aimed at the middle ranks and lower ranks and control indicators must be created to evaluate the beneficial impact of this training on respect for human rights. Proof of compliance must be sent to the National Commission.

Third. Collaborate amply with the Mexican National Human Rights Commission so that Army personnel involved in public safety duties, mainly operatives against organized crime, refrain from using force except when strictly necessary. This will avoid abuse of power due to actions such as torturing the people they detain as a result of these duties. Proof of compliance must be sent to the National Commission.

Fourth. Generously collaborate with the Mexican National Human Rights Commission during the administrative procedure of investigation initiated before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force in response to the considerations mentioned within this recommendation. Any proof of compliance requested must be delivered.

Fifth. Amply collaborate with the presentation and follow up of the declaration of events which the national commission presents before the Attorney General’s Office and the Office of the General Attorney of Military Justice, respectively, in order for them to initiate the legally corresponding prior investigation in accordance with their jurisdiction, given that the actions of federal civil servants caused this recommendation. Any proof of compliance requested must be sent to the national commission.

Sixth. Issue an official missive aimed at military personnel so that people detained in flagrante are brought before the corresponding prosecuting authority immediately and without delay in accordance with article 16, fifth paragraph, of the Political Constitution of the United Mexican States. This is to keep them from being taken to military facilities in order to perform physical integrity evaluations given that the PGR has its own medical experts to perform such revisions. Once this is done, a copy of such missive must be sent to the national commission.