



Comisión Nacional de los Derechos Humanos

México

Recommendation 52/2011

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 30th, 2011

SUBJECT: ABOUT THE CASE OF MR. V

AUTHORITY RESPONSIBLE: SECRETARY OF NATIONAL DEFENSE

On June 24th 2009, V was detained in Ciudad Juarez, Chihuahua by two SEDENA staff members, AR1 and AR2. He was taken to the Command Post of the "Chihuahua Joint Operation" and, hours later, he was brought before the agent of the Public Prosecutor of the Federation's Office. This prosecuting authority lodged and recorded prior investigation 1 (AP1), which led to judicial inquest (CP) CP1.

In his official statement, V accused Mexican Army personnel of hitting him repeatedly in his ribs and face at the time of his detention and during the time he spent at the military facilities. Because of this, the agent of the Public Prosecutor of the Federation's Office agreed to forward the details to the civilian representative of the army, which led to the initiation of prior investigation AP2 at the Office of the General Attorney of Military Justice, which is currently being integrated.

From the logical juridical analysis performed on the entirety of the evidence contained in the file, it was determined that AR1 and AR2 detained V at the corner of Guatemala and Carlos Villarreal whilst on patrol in Ciudad Juarez, Chihuahua, based on an anonymous phone call which informed them about a person who was selling drugs.

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. Issue instructions so that the damage caused to "V" is repaired by means of the medical and psychological assistance required to return his physical and psychological condition to the way it was before his human rights were violated based on the considerations set forth in the body of the current recommendation. Proof of compliance must be sent 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. Also, these programs must be aimed

at the middle ranks and lower ranks and management 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. Instruct military personnel so that people detained in flagrante are brought before the corresponding prosecuting authority immediately, without being taken to military facilities and, having done this, the National Commission must be briefed in detail.

Fourth. Collaborate generously with the National Commission in the processing of the complaint it presents before the General Inspection and Comptrollership body of the Mexican Army and Air Force against the personnel involved in the events stated in this case.

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. Brief the General Attorney of Military Justice on the detailed considerations mentioned within the observations chapter of this document in order for him to continue with the integration of AP2 in accordance with his faculties, so that its lawful resolution is issued.