



Comisión Nacional de los Derechos Humanos

México

Recommendation 56/2011

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, October 6th, 2011

SUBJECT: ABOUT THE CASE OF MR. V1, ATTACKS AGAINST JOURNALISTS

AUTHORITY RESPONSIBLE: SECRETARY OF NATIONAL DEFENSE

On June 4th 2009, "V" was physically and verbally attacked by personnel from the Secretariat of National Defense and was wounded as a result. This happened whilst "V" was doing his job as a journalist for the *Diario de Juárez*, reporting on a road accident in Ciudad Juarez, Chihuahua, involving military personnel and civil servants who were performing public safety duties to assist the municipal authority of the aforementioned location.

From the logical juridical analysis performed on the entirety of the evidence contained within complaint file CNDH/5/2009/2629/Q, it was determined that the human rights to legality, legal certainty, dignified treatment, personal safety and integrity, as well as to freedom of speech, were violated to the detriment of "V". This was the result of an excessive use of force by civil servants of the Secretariat of National Defense when they kept him from performing his journalistic duties.

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. Take the necessary steps to repair the damage brought upon "V" by means of the medical, psychological and rehabilitation aid needed to reestablish his physical and mental health. The National Commission must be informed on the result.

Second. Proceed to instruct whoever it may concern in order for the General Inspection and Comptrollership Unit of the Mexican Army and Air Force to collaborate generously with the Mexican National Human Rights Commission in the initiation and processing of the complaint filed against the military personnel who participated in the events described in this case. Proof of compliance must be sent to the Commission.

Third. Amply collaborate with the Mexican National Human Rights Commission in the initiation and processing of the prior investigation which it requests from the

Office of the General Attorney of Military Justice as well as from the Attorney General's Office against the personnel of the aforementioned Secretariat which intervened in the events condemned in this case.

Fourth.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.

Fifth.Instruct whoever is responsible in order for Army personnel involved in public safety duties, mainly operatives against organized crime, to refrain from using force except when strictly necessary. This will avoid abuse of power by means of actions such treating the people they detain as a result of these duties cruelly or humiliatingly. Proof of compliance must be sent to the National Commission.