



Comisión Nacional de los Derechos Humanos

México

Recommendation 82/2011

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, December 14th, 2011

SUBJECT: ABOUT THE CASE OF V1'S DETENTION

AUTHORITY RESPONSIBLE: MEMBERS OF THE HEROIC CONSTITUTIONAL TOWN HALL OF ALVARADO, VERACRUZ STATE

On May 15th 2009, the Mexican National Human Rights Commission received the complaint in which Q1 described alleged human rights violations to the detriment of V1 and attributed them to AR1 as well as to AR2, AR3 and AR4, from the municipality of Alvarado, Veracruz State.

In his complaint, he stated that on May 9th 2009, at approximately 19:30 hours, V1 was detained arbitrarily by two "hooded" police officers whilst covering an event which AR1 was attending. They tried to take his photographic camera and forcefully pushed him onto a van displaying the logo of the Municipal Police Force of such place; in the van, there were two more officers of such force, who claimed they were merely following orders. He also stated that Q1 was taken to the Headquarters of the Municipal Police Force of Alvarado, Veracruz, where he remained in custody for twenty hours only to be released on the 10th of May of such year. These actions were provoked by the publication of the premiere edition of the journal directed by V1, which was shown to AR1. He continued his complaint by saying that in addition to V1 being deprived of his freedom, incarcerated and intimidated, AR1 filed suit against him over defamation and libel on the day of his release, May 10th 2009. In order to assemble the file, it was decided to exercise the authority to assert jurisdiction over the case and the Municipal President's Office of Alvarado, Veracruz and the District Attorney's Office of the aforementioned State were asked to submit a detailed report on the events described within the complaint.

Based on the logical-legal analysis of the case, the National Commission issued its resolution on the violations of the human rights to legality, legal certainty and freedom of speech, to the detriment of V1 and attributable to AR1, AR2, AR3 and AR4. It is hereby proved that AR2, AR3 and AR4 carried out an illegal act to the detriment of V1 by detaining him without complying with the requirements established by article 16, first, sixth and seventh paragraphs, of the Political Constitution of the United Mexican States. This is to say that they did so without a warrant issued by the corresponding authority; without apprehending him whilst committing a crime in flagrante, and; without this being an urgent matter, given that the offended was apprehended whilst taking pictures at a public event.

In light of these events, the Mexican National Human Rights Commission has decided to respectfully issue the following **Recommendations**:

To you, the members of the Heroic Constitutional Town Hall of Alvarado, Veracruz:

First. Instruct whoever it may concern so that, taking the resolution to be issued by the National Commission into account, the necessary actions are taken to initiate the procedure stipulated by the Fundamental Law of the Free Municipality in the state of Veracruz, against AR1. This aims to determine the responsibility he may have incurred due to the events revealed by this recommendation. The National Commission must be informed about the progress and the result of your actions.

Second. Amply collaborate with the Mexican National Human Rights Commission during the initiation and processing of the complaint it submits to the Heroic Town Hall in question regarding AR2, AR3 and AR4, who intervened in the events condemned here in. The National Commission must be informed about the progress and the result of your actions.

Third. Issue instructions to whomever it may concern so that the necessary steps are taken to offer training programs for the civil servants of such Municipality on the duties assigned to them by current laws on the subject of safekeeping human rights. Once this has been done, the National Commission must be briefed.