



Comisión Nacional de los Derechos Humanos

México

Recommendation 46/2011

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, August 11th, 2011

MATTER: THE CASE OF THE ILLEGAL RETENTION OF V1, FOUND INTERNED IN THE FEDERAL CENTER OF PSYCHOLOGICAL REHABILITATION IN AYALA, MORELOS

AUTHORITIES RESPONSIBLE: GOVERNOR OF THE STATE OF TAMAULIPAS, SECRETARIAT OF FEDERAL PUBLIC SECURITY

The National Commission of Human Rights investigated the evidence presented by the file CNDH/3/2010/3174/Q, relating to the case of V1, who at that moment was interned in the Federal Center of Psychological Rehabilitation in Ayala, Morelos. On the 12th of May 2005, V1 was detained and put before the multiple judge of the First Instance of the Fourteenth Judicial District resident in Valle Hermoso, Tamaulipas, who in a criminal case sentenced him to 5 years imprisonment for the theft of a vehicle. This term was downgraded to 3 years and 6 months custodial sentence in 2007 by the Fourth Chamber of the Supreme Court of that state, on a criminal file. On the 24th of January 2008, V1 was taken from the Center of the Execution of Sanctions in Matamoros, Tamaulipas to the Federal Center of Psychological Rehabilitation in Ayala, Morelos. The second resolution was communicated to AR1 on the 5th of March 2008, as shown by the stamped receipt found outside the office 319/2005 on the 4th of the stated month and year, signed and acknowledged by the head of the first instance judicial body. Said receipt stated the release date of the 12th of November 2008 for fulfilling the sentence imposed. AR2 however, did not order the victim's release until the 19th of March 2010. For their part AR3 and AR4, responsible for the custody of V1, neglected to keep their legal situation up to date, leading to the illegal detention of V1. The Commission notes the violation therefore of V1's human rights, particularly with reference to personal freedom, legality and legal security. In relation to AR1, AR2, AR3 and AR4 – who held the victim for 1 year, four months and 8 days in excess of their prison sentence – according to article 41 of the Law of the National Commission of Human Rights, this Organization has found evidence citing the violation of the human rights to legality, legal security, integrity and personal security, receiving humane treatment and the safeguarding of the rights as victim of this crime as recognized by the Mexican legal order, to the detriment of V1,

attributable to elements of the Federal Police Force, belonging to the Secretariat of Federal Public Security.

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