



Comisión Nacional de los Derechos Humanos

México

Recommendation 034/2010

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, June 10th, 2010

Subject: About the case of V1's Death

Authority responsible:

Secretary of the Navy

The National Commission initiated file CNDH/2/2009/5299/Q out of its own accord on the 9th of November 2009, given that several articles were published that day on the websites of the online newspapers "Río Doce", "Noroeste.com" and "La Jornada en Internet". In them, it was said that Mexican Navy personnel killed V1 in the vicinity of Mocorito, Sinaloa on November 6th 2009. In light of these events and with the aim of investigating the denounced human rights violations, assistant visitors worked on gathering information and relevant documents. Moreover, reports were requested from the authorities involved; their logical juridical appraisal is analyzed in the observations chapter of this recommendation.

From the logical juridical analysis performed on the entirety of the evidence which makes up file CNDH/2/2009/5299/Q, the National Commission observed that civil servants from the Navy Infantry Paratrooper Battalion of the Mexican Navy's Fourth Naval Zone violated the human rights to life, personal integrity and safety and to legality and legal certainty, resulting in loss of life.

In response to these events, the Mexican National Human Rights Commission considers it appropriate to issue the following

Recommendations:

First. Instruct whomever it may concern so that the necessary measures are taken to repair the damage and harm inflicted upon the relatives of V1 or anyone who proves to be lawfully entitled, as a result of the institutional responsibility incurred upon by civil servants of the Secretariat of the Navy, based on the considerations mentioned within this recommendation and sending proof of compliance to the National Commission.

Second. Collaborate generously with the National Commission in the processing of the complaint it presents before the General Inspection and Comptrollership body of the Navy against the civil servants of the Secretariat of the Navy who

participated in the events condemned in this case, keeping the Commission posted from the beginning of the investigation all the way through to its conclusion.

Third. 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, as the behavior of federal civil servants provoked this recommendation. Any proof of compliance requested must be sent to the national commission.

Fourth. Train Mexican Navy personnel involved in operatives aimed at ensuring a State of Law so that all duties and actions are performed adhering to legality and to the respect of human rights; so that respect to life and personal integrity and safety are guaranteed; and so they are trained on the use of firearms to comply fully with the contents of General Recommendation number 12/2006. Such training must also be offered to the upper ranks who are assistant or joint commissioned officers within the Secretariat under your command and, having done this, the Mexican National Human Rights Commission must be promptly notified.