



Comisión Nacional de los Derechos Humanos

México

Recommendation 043/2010

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, July 15th, 2010

Subject: About the case of the life threatening attack against "V1"

Authority responsible:

Secretariat of National Defense

On the 8th of December 2008, the Mexican National Human Rights Commission received the written complaint presented by V1 in which he stated that on the 30th of November 2008, at approximately 18:30 hours, he heard a gunshot whose bullet hit the front right rim of his vehicle whilst he was driving on highway which goes from the La Junta intersection to San Pedro in the municipality of Guerrero in Chihuahua, causing him to accelerate in order to get to his home as soon as possible.

He added that as it was getting dark, he was able to see the headlights of a vehicle which was chasing him and from which he was shot at six times; the bullets hit his vehicle, cracked the rear window and two of them hit the passenger's seat. In spite of this, he continued his journey along 5 de Mayo Street until he got to a retail outlet, at which point he lost control of the vehicle and crashed into another car which was parked, hitting himself on the head.

He also mentioned that when he tried to get out of the vehicle, a soldier pointed a gun at him and ordered him to lie down on the ground; subsequently, more soldiers arrived only to kick his ribs and question him whilst others inspected his vehicle. It was then that T1 and T2 arrived and asked the members of the Mexican Army about what was happening, to which they replied that there was nothing wrong, telling them that if they kept this event secret they would not be blamed for the shots fired at V1's vehicle; in the end, the soldiers left onboard two double cab green RAM pick-ups heading toward the town's intersection.

In light of these events, the Mexican National Human Rights Commission initiated complaint file CNDH/2/2008/5913/Q and requested that the Secretariat of National Defense (Sedena) and the Attorney General's Office (Pgr) submit reports in order to investigate the reported human rights violations.

From the logical-juridical analysis performed on the entirety of the evidence which makes up complaint file number CNDH/2/2008/5913/Q, the Mexican National Human Rights Commission confirmed the violation of the human rights to integrity

and personal safety, to dignified treatment, and to legality and legal certainty to the detriment of V1 due to actions attributable to Sedena civil servants consisting in the arbitrary use of force and the failure to aid or care for all people as part of their obligations.

As a result, the Mexican National Human Rights Commission considers it appropriate to respectfully present you, Mr. Secretary of National Defense, with the following Recommendations:

First. Repair and compensate V1 for the damage caused by means of the medical, psychological and rehabilitation assistance required to return his physical and psychological condition to the way they were before his human rights were violated, informing the National Commission about the result.

Second. Collaborate amply with the Mexican National Human Rights Commission in the processing of the complaint which this institution brings before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force against the civil servants of Sedena who were involved in the events mentioned in this case, sending any evidence requested to the National Commission together with proof of compliance.

Third. Fully collaborate in the presentation and follow up of the declaration of events which this national institution 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 prior investigation as stipulated by law in accordance with their jurisdiction, given that the current recommendation was provoked by the behavior of federal civil servants. Any proof of compliance requested must be sent to the national commission.

Fourth. Issue instructions to whomever it may concern so that Mexican Army personnel are trained in order for all duties and actions to be 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 proportional use of force and firearms without putting society in danger. Such training must also be passed on to the upper ranks and having done this, the National Commission must be given a detailed report.