



Comisión Nacional de los Derechos Humanos

México

Recommendation 47/2011

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 30th, 2011

SUBJECT: ABOUT THE RECOURSE OF IMPUGNATION PRESENTED BY Q1

AUTHORITY RESPONSIBLE: PRESIDENT OF THE BOARD OF DIRECTORS OF THE CONGRESS OF THE STATE OF GUERRERO'S LIX LEGISLATURE, CITIZEN MEMBERS OF THE HONORABLE TOWN HALL OF TETIPAC, GUERRERO

On November 6th 2009, the Mexican National Human Rights Commission (CNDH) received the recourse of impugnation presented by Q1 before the State Human Rights Defense Commission of Guerrero (CDDHEG), against the unacceptance of Recommendation 86/2009 which this local government body issued to the members of the town hall of Tetipac, Guerrero on the 21st of August 2009.

The events which led to the aforementioned Recommendation occurred on the 9th of April 2009, between 17.30 and 18:00 hours, time at which V1 and V2 (offspring of Q1) and two friends were travelling by car through the streets of the municipality of Tetipac, Guerrero. When they passed by the municipal offices of the PRI political party they were shot at by AR1, a member of the municipality's preventive police force, causing them to get out of the vehicle and attempt to escape. However, they were also shot at by two other police officers, AR2 and AR3, resulting in the death of V1 and the injury of V2 due to three bullet wounds. V2 was admitted at the Adolfo Prieto General Hospital in Taxco de Alarcón, Guerrero.

In light of these events, Q1 filed a complaint at the CDDHEG's Northern Regional Human Rights Office against the police officers who attacked V1 and V2 which was lodged within the corresponding file. V2 then submitted an additional complaint on the 16th of April of that same year in order to expand the file and include AR4, as he considered that he assisted in the escape of the civil servants responsible by giving them the keys of a government vehicle in which they fled, according to the statements of several eye witnesses.

Once the CDDHEG performed the necessary investigations, it acknowledged that the civil servants of this municipality, who were accused by the victims of being the authority to blame for this attack, violated their rights to life, personal integrity and legal certainty. This instigated the issuance of Recommendation 86/2009 on August 21st 2009, aimed at the town syndic and the leaders of the town hall of Tetipac, Guerrero, in the following terms:

“First. You, the Citizen members of the H. Town Hall of Tetipac, Guerrero are respectfully advised to acknowledge this Recommendation in your next meeting and instruct whomever it may concern in order for an administrative procedure of investigation to be initiated against AR4, as established by the State Civil Servants’ Responsibilities Law, given that he violated Q1 and V2’s right to legal certainty by assisting the police officers who participated in the events which resulted in the loss of V1’s life and the injury of V2. This must be done regardless of any penal responsibility in which he may have incurred, The State Commission must be informed since its initiation and until the final resolution on the matter is issued.

Second. Additionally, you are advised to emphatically instruct whomever it may concern so that a copy of this resolution is added to the personal files of AR1, AR2 and AR3, because of their infringements on the human rights of V1 and V2 to life (extrajudicial or summary execution) and to personal integrity; this must be done in order to establish a precedent of their conduct and the State Commission must receive proof of compliance. The aforementioned police officers are currently no longer members of the Municipal Preventive Police of Tetipac, Guerrero; they were dismissed due to job abandonment on May 13th 2009.

Third. When your previously mentioned meeting takes place, you are also urged to agree to instruct whomever it may concern to repair the damage caused to V2 and, regarding the death of V1, that compensation be paid to whoever proves to be lawfully entitled to it.”

From the logical juridical analysis performed on the entirety of the evidence which is present in file CNDH/1/2009/314/RI, the Mexican National Human Rights Commission considered the recourse of impugnation presented by Q1 against the response of the members of the town hall of Tetipac, Guerrero to Recommendation 86/2009 to be correct and well founded. As far as the National Commission is concerned, this response signified the unacceptance of such Recommendation; it was noted that the state commission demonstrated within this document that AR1, AR2, AR3 and AR4 respectively, violated the right to life to the detriment of V1 and the rights to personal integrity and legal certainty to the detriment of V2.

It is important to point out that in order to be accepted and complied with, the recommendations issued by human rights protecting bodies require good will, political will and the highest efforts on behalf of the authorities to whom they are addressed. Therefore, this unacceptance represents the highest level of incompliance with this recommendation and shows the authorities of the town hall of Tetipac, Guerrero’s lack of respect for the culture of legality and total disinterest in respecting human rights.

Therefore, based on article 66, clause a) of the Mexican National Human Rights Commission Law and article 159, section IV of its internal regulations, the Mexican National Human Rights Commission ratified Recommendation 86/2009 issued by the State Human Rights Defense Commission of Guerrero, allowing itself to respectfully present you, the members of the town hall of Tetipac, Guerrero and

you, the government delegate who presides over the Board of Directors of the Congress of the State of Guerrero's LIX Legislature with the following:

Recommendations

To you, the government delegate who presides over the Board of Directors of the Congress of the state of Guerrero's LIX Legislature:

First and last. Proceed to take actions which lead to the acceptance and fulfillment of the terms contained within Recommendation 86/2009, issued by the State Human Rights Defense Commission of Guerrero and, if the aforementioned Town Hall reiterates its unacceptance, proceed to suspend its members in accordance with articles 115, section I, third paragraph, of the Political Constitution of the United Mexican States and 94, section II and 95, section I of the Fundamental Law of the Free Municipality of the state of Guerrero, informing the National Commission of its compliance.

To you, the members of the town hall of Tetipac, Guerrero:

First and last. Proceed to instruct whomever it may concern in order for Recommendation 86/2009, issued by the State Human Rights Defense Commission of Guerrero on August 21st 2009, to be accepted and fulfilled, informing the National Commission about such compliance.