



Comisión Nacional de los Derechos Humanos

México

Recommendation 51/2011

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, September 29th, 2011

SUBJECT: ABOUT V1'S RECOURSE OF IMPUGNATION

AUTHORITY RESPONSIBLE: MADAME PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF DURANGO'S LXV LEGISLATURE, CITIZEN MEMBERS OF THE HONORABLE TOWN HALL OF NUEVO IDEAL, DURANGO

On the 1st of August 2009, V1 and two other people were passing by the Regional Hospital of the Nuevo Ideal municipality in Durango onboard their van when three agents assigned to the Municipal Public Safety Bureau ordered them to stop. When they descended from the vehicle, AR1 pulled out a firearm and fired three shots into the air and when he was questioned as to the reason behind this action, he fired his weapon once again, injuring V1's left foot.

Once the corresponding inquiries had been made, the CNDH issued recommendation 84/2009 addressed to the municipal president of Nuevo Ideal, Durango on December 16th 2009. It did so because it considered that V1's human rights to personal integrity and safety had been violated by civil servants assigned to the municipality's Public Safety Bureau.

Once the recommendation had been served, the municipal president of Nuevo Ideal did not confirm its acceptance, meaning it was confirmed by decree according to article 54 of the State Human Rights Commission of Durango's Fundamental Law. On March 25th 2010, V1 lodged recourse of impugnation because he believed that, in this case, the civil servant had not complied with recommendation 84/2009. The National Commission therefore asked the municipal president of Nuevo Ideal, Durango, to report on the actions taken to fulfill recommendation 84/09 to no avail.

From the logical juridical analysis performed on the entirety of the evidence contained within the current recourse of impugnation, it is possible to note that the human rights to personal safety and integrity were violated to the detriment of V1 by AR1, a civil servant assigned to the Public Safety Bureau of the Municipality of Nuevo Ideal, Durango because of actions consisting in the unlawful use of his power which led to the wounding of the victim.

In light of these events, the Mexican National Human Rights Commission considers it necessary to issue the following **Recommendations**:

To you, Citizen Members of the Town Hall of Nuevo Ideal, Durango:

Sole Recommendation. Proceed to instruct whomever it may concern in order for recommendation 84/09, issued by the State Human Rights Commission of Durango on December 16th 2009 and addressed to the municipal president to be complied with. Proof of total observance and fulfillment must be sent to the National Commission.

To you, Madame Deputy President of the Board of Directors of the Honorable Congress of the state of Durango's LXV Legislature:

First. Take the necessary steps to comply with the terms of recommendation 84/09, issued by the State Human Rights Commission of Durango for the municipal president of Nuevo Ideal, Durango. If he reiterates his unacceptance of it, an investigation must be initiated to determine the administrative responsibilities in which he may have incurred, as well as because of his failure to reply to the request for information. Proof of compliance must be sent to the National Commission.

Second. Urge the Town Hall of Nuevo Ideal, Durango to submit the reports requested by the Mexican National Human Rights Commission in order to comply with what is established by the commission's law.