



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 61/2011**

*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, October 15th, 2011**

**SUBJECT: ABOUT THE CASE OF V1'S DEATH IN CIUDAD FRONTERA, CENTLA MUNICIPALITY, STATE OF TABASCO**

**AUTHORITY RESPONSIBLE: SECRETARY OF THE NAVY**

On December 4th 2008, the Mexican National Human Rights Commission received the complaint filed by Q1 due to alleged human rights violating events against V1. It stated that at approximately 01:30 hours on November 30th 2008 V1 was travelling onboard his vehicle along *Justo Sierra* Street in ciudad Frontera, Centla Municipality, state of Tabasco, when Mexican Navy personnel, who were travelling onboard a patrolling vehicle, ordered him to stop. As V1 did not stop, he was chased and fired upon, causing him to be wounded in the head by a bullet. When he lost control of his vehicle, V1 crashed into a house and was therefore taken to the Health Center of that municipality. At the Center, it was determined that his health was in a critical condition so he was taken to the *Dr. Gustavo A. Rovirosa* Hospital in Villahermosa, Tabasco, where he died five days later.

From the logical juridical analysis performed on the entirety of the evidence which makes up file CNDH/2/2008/5859/Q, the National Commission observed that civil servants from the Secretariat of the Navy violated the human rights to life, personal integrity and safety and to legality and legal certainty to the detriment of V1, resulting in loss of life, arbitrary use of the Navy's power, alteration of the crime scene and unlawful execution of civil service.

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

**To you, Mr. Secretary of the Navy:**

**First.** Instruct whomever it may concern so that the necessary measures are taken to repair the damage inflicted upon the relatives of V1 or anyone who proves to be most lawfully entitled, through the payment of compensation and the necessary psychological and rehabilitation treatments. This is due to the institutional responsibility incurred upon by civil servants of the Secretariat of the Navy, based on the considerations mentioned within this recommendation. Proof of compliance must be sent to the National Commission.

**Second.** Pay compensation to whoever is able to legally prove ownership of the vehicle driven by V1, or whoever proves to be most lawfully entitled, as well as to the owners of the property which was damaged during the events. Proof of compliance must be sent to the National Commission.

**Third.** Instruct whoever is responsible in order for an effective control mechanism to be implemented so that Mexican Navy personnel are periodically submitted to toxicological and psychological tests. Additionally, those tests must be applied to those who participated in the events which provoked the recommendation at hand and their results must be attached to the preliminary investigations. The documents which prove this has been complied with must be sent to the National Commission.

**Fourth.** Instruct the necessary persons in order for the civil servants of the Secretariat of the Navy to refrain from manipulating crime scenes and/or distorting their historical and legal facts. They must also be educated on the preservation of criminal evidence and once this has been done, proof of compliance must be forwarded to the National Commission.

**Fifth.** Amply collaborate with the Mexican National Human Rights Commission in order to achieve the design and implementation of a Comprehensive Human Rights Training Program at the Secretariat of the Navy, aimed at the middle and upper ranks as well as the officers of the Mexican Navy. This aims to make them perform their duties with respect for human rights and in accordance with the law and with the conditions of Regulation 003/09 which controls the legitimate use of force by Navy personnel. Proof of compliance must be sent to the National Commission.

**Sixth.** Collaborate generously with the National Commission during the processing of the complaint it presents before the General Inspection and Comptrollership body of the Mexican Navy against the civil servants of the Secretariat of the Navy involved in the events mentioned in this case. The National Commission must be kept informed since the beginning of the investigation and until the conclusion of the corresponding procedure.

**Seventh.** Amply collaborate during 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, given that the actions of federal civil servants caused this recommendation. Any proof of compliance requested must be sent to the national commission