



# Comisión Nacional de los Derechos Humanos

México

## **Recommendation 72/2011**

*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, November 30th, 2011**

**SUBJECT: ABOUT THE CASE OF V1'S DEATH IN CUERNAVACA, MORELOS STATE**

**AUTHORITY RESPONSIBLE: SECRETARY OF THE NAVY**

The events took place in the Del Empleado quarter of the city of Cuernavaca, Morelos, at approximately 22:00 hours on December 16th 2009, at which time V1 was travelling onboard his truck and Q1 heard gunshots. Q1 therefore went out onto the street and noticed that V1's vehicle was parked and had been struck by gunfire; he added that Naval personnel kept him from reaching the van and told him that V1 had died, claiming that he had possibly been shot at due to being mistaken for an assassin for hire.

In light of these events, Q1 submitted a complaint to the State Human Rights Commission of Morelos on December 22nd 2009, which was received by the National Commission on December 23rd 2009. Complaint file CNDH/2/2010/107/Q was initiated by the national commission thereafter and the Secretariat of the Navy, the Secretariat of National Defense (SEDENA), the Office of the Attorney General (PGR) and the Morelos District Attorney's Office were asked to submit reports.

From the logical-legal analysis performed on the entirety of the evidence which makes up file CNDH/2/2010/107/Q, the National Commission determined that civil servants from the Secretariat of the Navy violated the human rights to life, personal integrity and proper treatment and to legality and legal certainty of Q1, as well as the right to ownership of the neighbors of 5 de Mayo street, Del Empleado Quarter in Cuernavaca, Morelos given that their real estate and vehicles were affected. These actions were the result of the arbitrary use of public force and death.

In response to these events, the Mexican National Human Rights Commission has considered 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 and pay compensation for damages caused to the relatives of V1, or whoever proves to be most lawfully entitled. This is due because of the institutional responsibility incurred by civil servants of the Secretariat of the Navy. Proof of compliance must be sent to the National Commission.

**Second.** Pay compensation for and repair the damage caused to Q1 by means of the medical, psychological and rehabilitation assistance needed to reestablish the psychological state he was in before these events took place. The National Commission must be told about the result.

**Third.** Instruct whoever it may concern so that the necessary procedures are carried out to offer compensation for the material damages caused to the owners or right holders of the residences located on 5 de Mayo street, Del Empleado Quarter in Cuernavaca, Morelos and the vehicles which were damaged by the gunshots fired by Naval personnel. Proof of compliance must be sent to the National Commission.

**Fourth.** Collaborate generously with the National Commission during the filing and 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 who were involved in the events mentioned in this case. All evidence requested must be sent to the national commission together with proof of compliance.

**Fifth.** Amply collaborate during the filing 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 preliminary investigation in accordance with their jurisdictions. Any proof of compliance requested must be sent to the national commission.

**Sixth.** 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 and at 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 governs the legitimate use of force by naval personnel. Proof of compliance must be sent to the National Commission.