



Comisión Nacional de los Derechos Humanos

México

Recommendation 80/2011

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, December 13th, 2011

SUBJECT: ABOUT THE CASE OF THE DEATH OF V1 WITHIN THE FELIPE CARRILLO PUERTO REGION IN BUENAVISTA TOMATLÁN, MICHOACÁN STATE

AUTHORITY RESPONSIBLE: SECRETARY OF NATIONAL DEFENSE

On November 25th 2008, Mexican Army personnel from the 6th Mechanized Regiment, supporting the 43rd Military Zone in Apatzingán, Michoacán and assigned to the *Nueva Italia* Joint Operations Base, performed reconnaissance in the town of Felipe Carrillo Puerto situated in the municipality of Buenavista Tomatlán, Michoacán State with the aim of apprehending alleged criminals. During the pursuit, the civil servants of the Secretariat of National Defense fired their weapons on the streets of the town and one of the bullets hit the head of V1, who became unconscious and was not given first aid by the soldiers.

V1 was assisted by T1 and T2, who took her to T3, a doctor in the town, who advised them to take her to the Santa Maria de Guadalupe Clinic in Apatzingán, Michoacán. At the cited hospital, an x-ray was taken of her and it was determined that her injuries were caused by a firearm projectile; they were also told that she would be taken to the city of Uruapan, in Michoacán State, because her health was in a fragile state. On November 27th 2008, Q3 submitted a declaration of events to the agent of the Federal Public Prosecutor's Office of the First Investigative Agency headquartered in Uruapan, Michoacán, who initiated Preliminary Investigation 1 due to criminal injuries to the detriment of V1.

Because of jurisdictional reasons, the social representative of the Federation in Uruapan forwarded Preliminary Investigation 1 on December 15th 2008 to his counterpart in Apatzingán, Michoacán, who initiated Preliminary Investigation 2. V1 died on March 13th 2009 due to multiple organ failure caused by the brain death brought upon her by the penetration of the firearm projectile. On March 26th 2009, personnel from the Secretariat of National Defense and Q3 signed an agreement for the payment of compensation for the death of V1 and for the medical expenses incurred during her treatment.

On July 23rd 2009, the social representative of the Federation in charge of Preliminary Investigation 2 sent a detailed copy of such enquiry to the agent of the Military Public Prosecutor's Office assigned to the 34th Military Zone in Apatzingán, Michoacán, who initiated Preliminary Investigation 3. The latter was forwarded to

the Special Military Jurisdiction Agency in Morelia, Michoacán, where Preliminary Investigation 4 was initiated. As of the day of issuance of this recommendation, the military authority has not yet commented on the legal status of such enquiry.

From the logical-legal analysis performed on the entirety of the evidence contained within file number CNDH/2/2008/5690/Q initiated due to these events, the National Commission confirmed violations of the human rights to life, personal integrity and safety, to legality and to legal certainty, to the detriment of V1. They were the result of actions consisting in the taking of life and arbitrary use of public force, attributable to civil servants from the Secretariat of National Defense's 6th Mechanized Regiment belonging to the Command of the 43rd Military Zone in Apatzingán, Michoacán.

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

To you, Mr. General and Secretary of National Defense:

First. Instruct whomever it may concern in order for the damage inflicted upon the relatives of V1 to be repaired by means of the medical, psychological and rehabilitation assistance needed to reestablish their physical and psychological health. Proof of compliance must be sent to the National Commission.

Second. Collaborate generously with the Mexican National Human Rights Commission during the filing and processing of the complaint it presents before the General Inspection and Comptrollership Body of the Mexican Army and Air Force against the civil servants of the Secretariat of National Defense who were involved in the events condemned in this case. All evidence requested must be sent to the national commission together with proof of compliance.

Third. Amply collaborate during the filing and follow up of the declaration of events presented by the national commission to 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 given that the behavior of federal civil servants led to the recommendation at hand. Any proof of compliance requested must be sent to the national commission.

Fourth. Instruct whomever it may concern so that the application of the "Human Rights Program, Secretariat of National Defense (S.D.N.) 2008-2012" and the "Program for the Promotion and Strengthening of Human Rights and International Humanitarian Law S.D.N. 2010" is intensified. These programs must be aimed at the middle and lower ranks and effectiveness indicators must be created to evaluate the beneficial impact of this training on respect for human rights. Proof of compliance must be sent to the national commission.

Fifth. Issue an official missive aimed at military personnel in arder for them to submit complete operations reports which truthfully and precisely state the way, time and place in which events take place. The goal of this is to have knowledge of the facts since the beginning of a situation such as the one addressed in this case.