



Comisión Nacional de los Derechos Humanos

México

Recommendation 83/2011

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 16th, 2011

SUBJECT: ABOUT THE CASE OF V1'S DEATH WITHIN THE *LOS LIMONEROS* GATED COMMUNITY IN CUERNAVACA, MORELOS STATE

AUTHORITY RESPONSIBLE: SECRETARY OF THE NAVY

At approximately 02:30 hours on December 11th 2009, V1 was travelling onboard her vehicle within the *Los Limoneros* gated community in Cuernavaca, Morelos, when she was reached by firearm projectiles fired by Naval personnel, which hit her and inflicted deadly injuries.

At 10:48 hours of that day, the agent of the Public Prosecutor's Office attached to the Assistant District Attorney's Office for Homicides of the Morelos State District Attorney's Office initiated Investigation Folder 1, due to the crime of unintended murder committed to the detriment of three people, with V1 being one of them. However, on April 9th 2010, he handed the case over to the investigative agent of the Military Public Prosecutor's Office assigned to the 24th Military Zone in Cuernavaca, Morelos, who initiated Preliminary Investigation 1, which is currently underway.

From the logical-legal analysis performed on the entirety of the evidence contained within complaint file number CNDH/2/2009/5985/Q initiated due to these events, the National Commission confirmed violations of the human rights to legality and legal certainty, personal integrity and safety, proper treatment, information, access to justice and to honor, to the detriment of V1 and Q2. They were the result of actions consisting in the arbitrary use of public force and unrighteous claims as well as the unlawful exercise of public duties.

In light of these events, the Mexican National Human Rights Commission has decided to issue the following **Recommendations**:

To you, Mr. Secretary of the Navy:

First. Instruct whoever it may concern to take the steps needed to pay compensation for and repair, the damage inflicted upon Q2 and the relatives of V1, or whoever proves to be more lawfully entitled. If necessary, they must also be given the appropriate physical and psychological attention for as long as needed. This is due because of the institutional responsibility incurred in by the civil servants of the Secretariat of the Navy as detailed by the considerations set forth in

the recommendation at hand. Proof of compliance must be sent to the National Commission.

Second. Issue instructions so that the civil servants of the Secretariat of the Navy submit complete, precise and timely reports to the national commission in order for it to possess evidence which reveals the historical and legal facts of the events concerning the investigations performed to monitor and defend human rights. Proof of compliance must be sent to the National Commission.

Third. 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 Navy against the civil servants of the Secretariat of the Navy 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.

Fourth. 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.

Fifth. Issue the instructions needed 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. Educational material suitable for broadcasting and which is easily accessible to naval personnel must also be created and proof of compliance must be sent to the National Commission.