



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 8/2011**

*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, February 25th, 2011**

**Case: the death of V1 and illegal restraint of V2, in Huamuxtitlán municipal district, Guerrero**

**Authority Responsible: Secretary of National Defence**

On June 22nd, 2009, informative bulletins were published in a number of media sources, which on June 20th, 2009 divulged information on members of the Mexican Armed Forces assigned to the 93rd Infantry Battalion in Tlapa de Comonfort, Guerrero, belonging to the 35th Military Zone, with headquarters in Chilpancingo. It was published that in this federal entity, amongst those present AR1, AR2, AR3, AR4 and AR5, shot at a passenger bus near the municipal administrative centre of Huamuxtitlán, in the region La Montaña, Guerrero. One of the bullets that they shot hit passenger V1, who lost their life there.

Regarding the above, in accordance with articles 6, section II, subsection a), of the Law on the National Human Rights Commission and 89 of its internal rules of procedure, this human rights protection institution launched file CNDH/2/2009/2896/Q. In order to document the reported violations to human rights, visitors worked in several ways to gather information, statements, photographs and other documentation. Additionally, reports were requested from the Secretariat of National Defence, the Attorney General's Office and the Guerrero state District Attorney's Office, whose logical legal assessment is an object of analysis in the observations chapter of this recommendation.

Additionally, on December 4th, 2009, due to reasons of competency, the National Commission received a written complaint presented by Q1 before the Guerrero state Human Rights Defence Commission. It stated that at approximately 21:00 hours on June 20th, 2009, on the Chilpancingo-Las Peñas-Puebla motorway, Tlapa-Huamuxtitlán stretch, at the crossing direction Santa Cruz, a military squad signalled for a passenger bus to stop. The bus stopped and members of the Mexican Armed Forces belonging to the 93rd Infantry Battalion of the 35th Military Zone asked the passengers to leave the vehicle and proceeded to carry out checks. V2 was arrested, and was later offered access to the general jurisdiction of the delegation for their probable responsibility for the crime of unlawful use of official uniforms and accessories.

Upon finishing the checks they were asked to board the bus once again, after which the driver started up the engine and continued his journey. However, at this point, the military officers once again signalled for him to stop and given that T1 did not obey the instruction, they shot their guns at the vehicle causing the death of V1. Finally, V2 appeared before the Public Prosecutor's Officer of the general jurisdiction at 15:09 hours, on June 21st, 2009. However, the arrest took place at 21:00 and 22:30 hours of the previous day.

Using the logical legal analysis of the collection of evidence that constitute the complaint file CNDH/2/2009/2896/Q, the National Human Rights Commission observed violations to the human rights to life, personal integrity and safety, legality and legal security, to the detriment of V1 and V2. This is due to consistent acts of murder and arbitrary use of public force attributable to AR1, AR2, AR3, AR4 and AR5. This is in addition to illegal arrest attributable to AR, AR7 and AR, members of the 93rd Infantry Battalion of the 35th Military Zone in Chilpancingo, Guerrero.

Given the above, this National Human Rights Commission considers it appropriate to present, with all due respect, the following Recommendations:

To The Secretary of National Defence:

First. Instruct whom it may concern in order to provide the corresponding compensation and repair of damages caused to relatives of V1, through the necessary psychological, medical and rehabilitation support. Additionally, provide the National Commission with evidence that proves the completion of the above.

Second. Collaborate fully with the National Human Rights Commission in the complaints process that the public institution presents before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force, against military officers that intervened in the events that constitute his case. Additionally, provide the national institution with any evidence requested, as well as evidence that proves completion of the above.

Third. Collaborate fully in the presentation and follow up to the complaint of the events that the National Commission presents before the Attorney General's Office and the Office of the General Attorney of Military Justice, respectively. This is so that the competent spheres launch preliminary investigations that are legally correspondent given the involvement of federal civil servants whose conduct launched this declaration. Additionally, provide this human rights protection institution with any evidence requested.

Fourth. Issue an ordinance directed to the supreme and medium Powers, and to the troop members, in order to guarantee that the people that are arrested in

Military Armed Force operations are not taken to military installations and that they are instead put in immediate contact with the corresponding authority. Once carried out, swiftly inform the national institution of its completion.

Fifth. Instruct whom it may concern so that the application of the "Human Rights Programme S.D.N. 2008-2010" is intensified. Additionally, it must direct itself to the medium powers and the troop members. Furthermore, it must generate management indicators to evaluate the effective impact of the training in human rights matters. Additionally, it must provide the national institution with evidence of completion of the above.

Sixth. Instruct whom it may concern so that corresponding previous studies issue instruction and rules or orders to regulate the proportional use of public force, considering principals of legality, necessity and proportionality. This must be published in the Official Journal of the Federation and in an easily distributable document to be delivered to all troop and official staff that carry out public security roles. This is in addition to the implementation of informative courses. Additionally, provide the national institution with evidence that proves completion of the above.