



Comisión Nacional de los Derechos Humanos

México

Recommendation 10/2011

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, March 25th, 2011

Case: Events that took place to the detriment of V1, V2, V3, V4, V5, V6 and V7, in the municipal district of Apodaca, Nuevo León.

Authority Responsible: Secretary of National Defence

The National Human Rights Commission discovered through the news bulletins published on September 6th, 2010, in a number of national and local newspapers that after 22:00 hours on September 5th, 2010, military officers shot at a vehicle and injured 5 people. The vehicle had been ordered to stop, and was travelling south on the Monterrey-Laredo motorway, between the north-eastern relief road and the Santa Rosa motorway, in the municipal district of Apodaca, Nuevo León. At the scene, V1, who was 15 years old, died, whilst another injured person, V2, 52 years old, died hours later. V3, V4 and V5 were injured by fire arm bullets. V6 and V7 (infants), were left unharmed. Regarding the above, complaint file CNDH/2/2010/4777/Q was launched on September 6th, 2010.

Furthermore, on September 6th, 2010, V3 presented a complaint file before the Nuevo León State Human Rights Commission, against Mexican Army officers, regarding the earlier mentioned events, in which it is specified that at no point did they observe that the Secretariat of National Defence staff ordered them to stop. Additionally, in order to document the violations of human rights, assigned visitors and experts of the National Commission carried out extensive field work to locate and gather statements and documents. Furthermore, information was requested from the Secretariat of National Defence, the Attorney General's Office and the Nuevo León State District Attorney's Office.

A logical legal analysis was carried out using the evidence that makes up the complaint file CNDH/2/2010/4777/Q, in accordance with the terms set out in article 41 of the Mexican National Human Rights Commission Law. The analysis evidenced violations of the human right to life, integrity and personal security, legality and legal security and the right of minors to a protected integrity, due to consistent acts of murder, cruel treatment, arbitrary use of public force and abuse of public office to the detriment of V1, V2, V3, V4, V5, V6 and V7, attributable to civil servants of the Secretariat of National Defence.

Given the above, the National Human Rights Commission considers it appropriate to respectfully present the following Recommendations:

To the Secretary of National Defence:

First. Ample collaboration with the National Human Rights Commission in the processing of the complaint that the public institution brings before the General Inspection and Comptrollership Unit of the Mexican Armed and Air Force, against the civil servants of the Secretariat of National Defence that intervened in the events discussed in this case. Any evidence requested, as well as proof of completion of the above must be sent to the human rights defence institution.

Second. Ample collaboration in the presentation of the complaint of the events that the National Commission will form before the Attorney General's Office, in order to launch the preliminary investigation in the competent area and taking into account the evidence earlier described, due to the cause of this announcement being the behaviour of civil servants. Requested evidence must be sent to the national institution.

Third. Instruct whom it may concern in order to intensify the application of the "Human Rights S.D.N. 2008-2012 Programme". This is to be directed to the middle ranks as well as the troops and evaluative measures must be developed to assess the positive impact of the human rights training. Proof of completion of the above must be sent to the national institution.

Fourth. Instruct whom it may concern so that before the corresponding study, a directive, norm or order is issued to regulate the proportional use of public force, taking into account principles of legality, necessity and proportionality. It will be published in the Official Journal of the Federation and in an easily distributable document the will have to be distributed to all troop and official staff that occupy public safety roles. Educational courses will also be implemented. Evidence proving completion of this must be sent to the national institution.