

# URGENT ACTION



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UA 261/09

Excessive force / fear for safety / fear of forcible return

MEXICO

**Víctor Alexander Melgar Lemus (m), a Salvadorian national  
Six other irregular migrants**

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A group of seven irregular migrants travelling through Chiapas state were shot at by members of the security forces. One migrant was killed and all other migrants were injured. Two of the irregular migrants are being guarded while they receive treatment in hospital.



On 18 September, seven migrants, all irregular as they were travelling without the required documents, were being transported in a pick up truck by two people smugglers near the town of Comitán, Chiapas state, southern Mexico. The migrants have stated that as their driver approached a security check point he initially slowed down but as he was told to stop, he sped off. The security forces gave pursuit and opened fire on the pick up truck, hitting it repeatedly. As a result the truck broke down a few minutes later. One Salvadorian man, Víctor Alexander Melgar Lemus, was fatally wounded and all other migrants, as well as one of the people smugglers, received gunshot wounds. The authorities have not disclosed whether the police or the army was staffing the check-point or who opened fire on the pick up truck.

Despite being injured in the attack, three irregular migrants fled the scene. The other three, who were seriously wounded, only managed to walk a short distance from the truck. The irregular migrants have said that both military and police officers arrived at the scene and started to interrogate them, then kicked and hit them with gun butts. One of the men reported that he was struck directly on a gunshot wound.

Two migrants are currently receiving treatment in hospital and are being guarded by National Migration Institute officials, while the third one is in detention and in the process of being deported to his country of origin. The National Human Rights Commission opened an investigation into the incident, but it is not clear whether the federal or state Attorney General's Office have opened criminal investigations into the killing of Víctor Alexander Melgar Lemus, the use of lethal force and subsequent ill-treatment of the migrants. There are concerns that the migrants may be intimidated or threatened by the security forces responsible in order to deter them from pursuing a complaint.

## BACKGROUND INFORMATION

Hundreds of thousands of irregular migrants attempt to travel through Mexico from Central and South America every year to reach the USA. Many are detained by the Mexican migration authorities and returned to their countries of origin. Amnesty International recently visited Mexico to investigate reports of human rights violations against these people. It found that many had been kidnapped by gangs, sometimes with the complicity of local officials.

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***Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.***

These gangs and the corrupt officials are rarely brought to justice and people who file complaints against them may face reprisals and swift deportation. Impunity for abuses against migrants, who are extremely vulnerable, has allowed these abuses to increase since about 2003, despite government commitments to ensure respect of migrants' rights.

This is not the first time this year that security forces shot, injured and killed migrants being transported by people smugglers, see Urgent Action 11/09, issued on 15 January 2009, available at <http://www.amnesty.org/en/library/info/AMR41/002/2009/en/>

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible:**

- Urging the authorities to open an investigation into the apparent use of excessive force and the ill-treatment of the irregular migrants that lead to the death of Víctor Alexander Melgar Lemus and the wounding of six others;
- calling for the safety of all the migrants who witnessed the events to be guaranteed and for them to be provide temporary visas so they can assist in the investigation into the incident and alleged abuses without fear of reprisals or repatriation.

**APPEALS TO:**

**Attorney General of the Republic**

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Procuraduría General de la República  
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**Salutation: Dear Attorney General/Señor Procurador General**

**Minister of Interior**

Secretario de Gobernación  
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**Salutation: Señor Secretario/Dear Minister**

**Governor of Chiapas state**

Lic. Juan José Sabines Guerrero  
Gobernador del Estado de Chiapas  
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**Salutation: Dear Governor/Señor Gobernador**

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**PLEASE SEND APPEALS IMMEDIATELY.**

**Check with the AIUSA Urgent Action office if sending appeals after 12 November 2009.**