



PRESS RELEASE

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The government of Mexico, through the Consulate General of Mexico in Nogales, Arizona, welcomes the decision of a Federal Judge for the District of Arizona, denying qualified immunity to the Border Patrol agent allegedly responsible for the death of Jose Antonio Elena Rodriguez, a Mexican minor.

Jose Antonio Elena Rodriguez died on October 10, 2012 in Nogales, Sonora, after being shot by a U.S. Border Patrol agent, from the United States.

The Federal Judge found that, regardless of nationality or the fact that he was standing in foreign territory, Jose Antonio was protected by the U.S. Constitution against the lethal use of force inflicted against unarmed suspects. Hence, the judge ordered that the civil lawsuit filed by Jose Antonio's mother can proceed before that Federal Court.

This judicial order has special relevance because, contrary to criteria recently upheld by other courts in similar cases, it confirms the extraterritoriality of certain constitutional protections in cases of disproportionate use of force.

The Consulate General of Mexico in Nogales reiterates the deep commitment of the Government of Mexico to provide consular protection and assistance to its citizens, as well as safeguard the unconditional respect for their fundamental rights.

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