



Comisión Nacional de los Derechos Humanos

México

Recommendation 005/2010

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, D. F., 16th of February 2010

Case: Legal recourse of impugnation presented by Mr. Margarito Rolando Caporal Neri.

Responsible Authorities:

Govt. Delegate Celestino Cesáreo Guzmán

President of the board of directors of the lix Legislature of the Congress of the State of Guerrero

Members of the H. City Hall of Chilpancingo de los Bravo, Guerrero.

The National Commission emitted its recommendation 05/2010, about the complaint interposed by Mr. Margarito Rolando Caporal Neri before the Commission for the Defense of Human Rights of the State of Guerrero, seeking permission to install a metallic booth for the sale of miscellaneous items on a vacant lot located on the street of Juan Jiménez Sánchez (no street number), on the corner with the René Juárez Cisneros Boulevard, Balcones de Tepango colony in Chilpancingo de los Bravo. The plaintiff points out that once he complied with the corresponding procedures that were required of him, he began the construction of the booth which was dismantled without a warrant from a competent authority. It is because of this that he presented his accusation before the State Commission, who in turn formulated Recommendation 67/2008, which has not yet been attended to by the competent authority. As a result, he reiterates his complaint and interposes the legal recourse of impugnation.

The National Commission considers that the legal recourse of impugnation due to the un acceptance of the recommendation by the municipal president of Chilpancingo de los Bravo, Guerrero does proceed and is well grounded given that from the logical-juridical assessment performed, it was proven that the human rights to legality, legal certainty and property were transgressed, to the detriment of Mr. Caporal Neri.

The National Commission recommended to the president of the LIX Legislature of the Congress of the State of Guerrero that he do the following: Notify the competent body so that it begins and determines, in accordance with the law, an investigation to establish the administrative responsibility resulting from not fulfilling the cited recommendation, as well as because of the omission incurred on by

authorities from the municipality of Chilpancingo de los Bravo during the processing of the inconformity currently being discussed.

It recommended that the members of the H. constitutional City Hall of Chilpancingo de los Bravo, Guerrero, instruct whomever it may concern to achieve the fulfillment of all conditions of recommendation 87/2008 emitted by the Commission for the Defense of Human Rights of the State of Guerrero on the 23rd of December 2008, informing the Mexican National Human Rights Commission about this situation.