



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 029/2010**

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 City, May 28th, 2010**

**Subject: About the case of torture committed to the detriment**

**of "V1", Inmate of the State Correctional Institution in Aquiles Serdan, Chihuahua.**

**Authority Responsible:**

**Constitutional Governor of the State of Oaxaca**

On August 1st, 2008, the Commission for the Defense of Human Rights of the state of Oaxaca lodged the complaint filed by Mr. Cristino Carrasco, in which he announced that the construction of the Barranca Larga–Ventanilla highway would affect his property located in San Sebastián Coatlán, Miahuatlán, within this federative entity. He asked the General Bureau of Roads and Highways of that state for the corresponding compensation; however, civil servants assigned to that semi-state organization refused to do so, claiming that his land belonged to the communal regime and that the corresponding sum would be deposited into a trust fund, whilst also refusing to consider the documents he presented in order to certify that his property belongs to the small property regime, being the reason why the State Commission initiated file CDDH/911/(01)/OAX/2008.

After performing the corresponding investigation and accrediting violations to the human rights to legality, legal certainty and property to the detriment of Mr. Cristino Carrasco, the Commission for the Defense of Human Rights of the state of Oaxaca issued recommendation 18/2009 on August 6th, 2009.

However, the head of the mentioned Bureau stated that he did not accept such recommendation through official missive DJ/320/2009, written on the 25th of August 2009.

Displeased by this authority's non-acceptance, Mr. Cristino Carrasco presented the recourse of impugnation of merit on September 30th, 2009.

The National Commission considers the recourse of impugnation presented by Mr. Cristino Carrasco, supported by file CNDH/3/2009/283/RI, to be valid and well founded regarding the non-acceptance of recommendation 18/2009 by the general director of Roads and Highways of Oaxaca. This is because the logical juridical analysis performed on the entirety of the evidence contained in the file revealed

that Mr. Carrasco's human rights to legal certainty, legality and property were in fact violated.

As a result, the National Commission respectfully presents you, Mr. Constitutional governor of the state of Oaxaca, with the following Recommendation:

First. Proceed to instruct whomever it may concern so that recommendation 18/2009, issued by the Commission for the Defense of Human Rights of the state of Oaxaca on August 6th, 2009 is carried out in its entirety, keeping the National Institution informed on this issue.

Second. Collaborate amply with the Mexican National Human Rights Commission in the handling of the complaint that the public institution will present before the Comptrollership Secretariat of the state of Oaxaca against the civil servants of the General Bureau of Roads and Highways of this federative entity who failed to carry out the procedure established by applicable regulations regarding the impact on the property known as "Yuguiss" located within the jurisdiction of San Sebastián Coatlán, Miahuatlán, due to the construction of the Barranca Larga-Ventanilla highway segment, sending any proof of compliance requested to the national institution.