



Comisión Nacional de los Derechos Humanos

México

Recommendation 033/2010

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, June 10th, 2010

Subject: About the Recourse of Impugnation of V1 and others

Authority responsible:

Honorable Congress of the State of Oaxaca and Constitutional Town Hall of

San Juan Yatzona, Villa Alta District, Oaxaca

On the 23rd and 24th of July 2007, the complaint of V4, V10 and V11 was received at the Commission for the Defense of Human Rights of the Free and Sovereign State of Oaxaca. In it, they denounced violations to their human rights attributable to civil servants of the Town Hall of San Juan Yatzona, Villa Alta, Oaxaca, due to which complaint file CEDH/815/(27)/OAX/2007 was initiated. On the other hand, the Commission for the Defense of Human Rights of the Free and Sovereign State of Oaxaca received the complaint of V2, V6 and others on February 27th 2008, who also accused civil servants of the Town Hall of San Juan Yatzona, Villa Alta, Oaxaca, and resulted in the initiation of complaint file CDDH/225/(27)/OAX/2008.

The plaintiffs enunciated that they were expelled from their homes on July 22nd 2007 and on February 26th 2008 by a group of people including the municipal president and representative of San Juan Yatzona Villa Alta, Oaxaca, who expressed they were no longer welcome at such location because they had converted to another religion. They said they were taken to the community of Santa María Temazcalapa, Villa Alta District, Oaxaca. The human rights protecting body of Oaxaca issued recommendation 01/2009 on the 27th of February 2009, addressed at the members of the H. City Hall of San Juan Yatzona, Villa Alta, Oaxaca, the Secretary General of Oaxaca and the District Attorney of the State.

From the logical-juridical analysis performed on the aforementioned evidence which makes up the recourse of impugnation, it is possible to ratify the State Commission's resolution given that the human rights to legality and legal certainty, to no discrimination due to religious beliefs as well as the right to freedom of religious convictions were violated to the detriment of de V1, V2, V3, V4, V5, V6, V7, V8, V9, V10 and V11.

Therefore, recommendation 01/2009, issued by the Commission for the Defense of Human Rights of the Free and Sovereign State of Oaxaca was confirmed based on the contents of articles 65 and 66, clause a) of the Mexican National Human Rights

Commission Law, as well as article 168 or its internal regulations, leading to the respectful issuance of the following:

Recommendations

For you, the members of the Constitutional Town Hall of San Juan Yatzona, Villa Alta District, Oaxaca:

First. Proceed to instruct whomever it may concern in order to comply with recommendation 01/2009, issued on February 27th 2008 by the Commission for the Defense of Human Rights of the Free and Sovereign State of Oaxaca, sending proof of its entire compliance to the National Commission.

Second. Instruct the person responsible in order to collaborate with the administrative investigation which is initiated as a result of the recommendation presented by the National Commission to the Honorable Congress of the State of Oaxaca and the considerations contained within the observations chapter of the current document, submitting any evidence requested.

To you, honorable members of the H. Congress of the State of Oaxaca:

First. Issue appropriate instructions to whomever it may concern so that a lawful investigation is initiated with the purpose of establishing the responsibilities in which civil servants from the municipality of San Juan Yatzona, Villa Alta, Oaxaca, may have incurred during the events which led to the violation of the victims' human rights, sending proof of compliance to the National Commission.

Second. Issue appropriate instructions to whomever it may concern so that a lawful investigation is initiated against the former civil servants who were then President and Representative of the Municipality of San Juan Yatzona, Villa Alta, Oaxaca, due to their likely involvement in the events which led to the expulsion of the victims from their community.

Third. Exhort the Constitutional Town Hall of San Juan Yatzona, Villa Alta District, Oaxaca, to submit the reports requested of it by the Mexican National Human Rights Commission and the State Human Rights Commission of this federative entity in order to comply with what is established within the laws of both human rights protecting organizations.