



Comisión Nacional de los Derechos Humanos

México

Recommendation 040/2010

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 25th, 2010

Subject: Regarding the appeal challenge of V1.

Authority responsible:

H. Congress of the State of Veracruz and of the H. City Hall of Agua Dulce, Veracruz

On October 6th, 2008, "V1" presented a complaint before the State Human Rights Commission of Veracruz against the municipal president of Agua Dulce, Veracruz, for which file number 9844/2008 was created. The essence of this file says that such authority's refusal to pay what was ordered by the Conciliation and Arbitration Tribunal of the Veracruz Judicial branch is harming "V1."

The case indicated that with this action, the aforementioned authority disregarded a judicial mandate, an action which impeded the prompt and expedient implementation of justice. Once the State Human Rights Commission of Veracruz carried out the appropriate investigations and it determined that the human rights to legality and legal certainty were violated in this case, it issued recommendation 43/2009 aimed at the Agua Dulce Town Hall. It was delivered during a council meeting on May 27th, 2009.

From logical-legal analysis of the aforementioned evidence contained within the appeal, the determination of the State Commission is considered well-founded in that the human rights to legality and legal certainty were violated to the detriment of "V1."

For all of the above reasons, the National Commission respectfully issues the following Recommendations

To you, esteemed members of the Town Hall of Agua Dulce, Veracruz

First. Issue instructions to whomever it may concern so that recommendation 43/2009 issued by the State Human Rights Commission of Veracruz and directed at the Agua Dulce City Hall, is accepted and complied with. Submit evidence accrediting constancy of its observance.

Second. Consider adding an item to the Expense Budget of the Municipality of Agua Dulce, Veracruz in order to facilitate the compliance with the resolutions issued by competent authorities.

To you, esteemed sirs, members of the H. Congress of the State of Veracruz:

First. Come to an agreement with the Town Hall of Agua Dulce, Veracruz, which compels it to comply with recommendation 43/2009 issued by the State Human Rights Commission of Veracruz, and which in case of noncompliance ensures that appropriate actions will be taken in accordance with article 115, section I of the Political Constitution of the United Mexican States.

Second. Urge the City Hall of Agua Dulce, Veracruz to submit the documentation requested by the Mexican National Human Rights Commission and by the State Human Rights Commission and of that federative entity in order to comply with what is established by the laws of both human rights institutions.