



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 58/2011**

*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, October 7th, 2011**

**SUBJECT: ABOUT THE RECOURSE OF IMPUGNATION BROUGHT FORTH BY V1 AND V2**

**AUTHORITY RESPONSIBLE: PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF OAXACA'S LX LEGISLATURE, MEMBERS OF THE H. TOWN HALL OF SANTA MARÍA YALINA, VILLA ALTA DISTRICT, OAXACA**

The State Human Rights Commission of Oaxaca received "V1" and "V2"'s declaration on September 24th 2008. In it, they revealed that the Town Hall of Santa María Yalina, Villa Alta district, appointed "V1" as municipal police officer during 2008 but, as he was unable to occupy this position, he was told that the property which he owned in the district would be seized.

Consequently, the aforementioned local commission began file CDDH/1168/(27)/OAX/2008 and once the corresponding investigation had been concluded, it offered a conciliatory proposal to the Council of the Town Hall of Santa María Yalina, Villa Alta district, Oaxaca. However, the head of the previously mentioned town hall informed the local commission of his unacceptance of such proposal through official missive 7/2009, dated on January 27th 2009. It therefore issued recommendation 19/2009, addressed to the members of the Town Hall of Santa María Yalina, Villa Alta district, Oaxaca and, on the 28th of October 2009, the president of the aforementioned municipality told the state commission he would not accept the recommendation. Dissatisfied with the aforementioned municipal authority's unacceptance, "V1" and "V2" filed the corresponding recourse of impugnation on November 12th 2009.

From the logical juridical analysis performed on the entirety of the evidence which is contained within file CNDH/3/2009/328/RI, the National Commission considers the impugnation recourse filed by "V1" and "V2" regarding the unacceptance of recommendation 19/2009 by the Town Hall of Santa María Yalina, Villa Alta district, Oaxaca, to be valid and well founded. This was determined due to the fact that violations to "V1" and "V2"'s human rights to legal certainty, legality and property were confirmed.

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **Recommendations**:

**To you, Mr. president of the Board of Directors of the Honorable Congress of the state of Oaxaca's LX Legislature:**

**Sole Recommendation.** Order whoever is responsible to initiate the legally required investigation to determine the responsibility in which civil servants of the Town Hall of Santa María Yalina, Villa Alta district, Oaxaca, may have incurred due to their unacceptance of recommendation 19/2009 issued by the State Human Rights Commission of Oaxaca, responding to the considerations set forth in the observations chapter of this document. The Mexican National Human Rights Commission must be kept informed on this issue.

**To you, the honorable members of the town hall of Santa María Yalina, Villa Alta district, Oaxaca:**

**Sole Recommendation.** Instruct whoever is responsible so that recommendation 19/2009, issued on August 13th 2009 by the State Human Rights Commission of Oaxaca, is fully complied with. The Mexican National Human Rights Commission must be kept informed on this issue