



Comisión Nacional de los Derechos Humanos

México

Recommendation 70/2011

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, November 30th, 2011

SUBJECT: ABOUT THE RECOURSE OF IMPUGNATION SUBMITTED BY “V1”, “V2” AND “V3”

AUTHORITY RESPONSIBLE: MADAME PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF GUERRERO'S LIX LEGISLATURE, MEMBERS OF THE HEROIC TOWN HALL OF ATLAMAJALCINGO DEL MONTE, GUERRERO STATE

The State Human Rights Commission of Guerrero received the complaint filed by “V1”, “V2” and “V3” on August 27th 2008. In it, they stated that the town hall of Atlamajalcingo del Monte, within the aforementioned state, stopped working on their properties, thus leaving them without a sewerage system and toilets. As a result, the previously mentioned state commission initiated file CODDEHUM/CRM/037/2008-I and, once the necessary investigation was over, it addressed opinion and proposal 102/2008 to AR2 and AR3; however, no reply was received regarding its acceptance.

Consequently, it issued recommendation 78/2009 on July 6th 2009, addressing it to AR1, AR2 and AR3, who failed to reply once again. Displeased with the aforementioned municipal authority's unacceptance, “V1”, “V2” and “V3” filed a merit recourse of impugnation (merit appeal) on July 6th 2009.

From the logical-legal analysis performed on the entirety of the evidence which is contained within file CNDH/3/2010/3/RI, the National Commission considered the impugnation recourse filed by “V1”, “V2” and “V3” regarding the unacceptance of recommendation 78/2009 by the Town Hall of Atlamajalcingo del Monte, Guerrero, to be valid and well founded. This was determined due to the fact that violations to their human rights to legality, legal certainty, health, environmental conservation, to petition and to not be discriminated were observed.

In light of these events, the Mexican National Human Rights Commission has decided to issue the following **Recommendations**:

To you, Madame Deputy and President of the Board of Directors of the Honorable Congress of the state of Guerrero's LIX Legislature:

Sole Recommendation. Collaborate amply with the Mexican National Human Rights Commission in the filing of the declaration it submits to the corresponding authority in order for the Preliminary Examination Commission to begin working on the administrative responsibility of those who turn out to be responsible for the unacceptance of the cited recommendation, as well as for the omissions incurred by the authorities from the municipality of Atlamajalcingo del Monte during the filing of the complaint in question; with Congress then deciding on the matter in accordance with the law. This procedure is to be fueled by the considerations set forth in the observations chapter of this document and the Commission must be informed about this situation.

To the members of the Heroic Constitutional Town Hall of Atlamajalcingo del Monte, Guerrero:

First. Proceed to instruct whomever it may concern in order for recommendation 78/2010, issued by the State Human Rights Commission of Guerrero, to be fully complied with. The Commission must be informed about this situation.