



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 84/2011**

*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, December 16th, 2011**

**SUBJECT: ABOUT THE RECOURSE OF IMPUGNATION SUBMITTED BY V1**

**AUTHORITY RESPONSIBLE: MADAME PRESIDENT OF THE BOARD OF DIRECTORS OF THE HONORABLE CONGRESS OF THE STATE OF OAXACA'S LXI LEGISLATURE, CITIZEN MEMBERS OF THE HEROIC TOWN HALL OF SAN ANDRES SOLAGA, VILLA ALTA DISTRICT, OAXACA STATE**

On August 23rd 2007, the town hall of San Andrés Solaga, Villa Alta district, Oaxaca State imposed a fine of \$40,000.00 (forty thousand pesos) on V1, V2, V3, V4, V5, V6, V7, V8, V9 and V10 for not enrolling their children in the secondary school of the community. They were also told that they would not be entitled to documentation procedures and that they would have to perform three years of community service: all due to a decision made by the general citizens' assembly on August 7th 2007.

On October 24th 2007, AR1 and AR2 cut the drinking water supply and electricity of V1, V5 and V6; they also shut the main door of the house of V12 with a chain and padlocks. Finally, V1, V3, V4, V8, V10, V13, V14, V15 and V16 were expelled from the aforementioned municipality during the months of September and October 2007. And therefore, the state human rights commission initiated file CDDH/927/(27)/OAX/2007 and, once the corresponding enquiry was concluded, it issued recommendation 02/2009 on February 27th 2009, addressing it to the members of the town hall of San Andrés Solaga, Villa Alta district, Oaxaca State, amongst other people.

It is also important to mention that preliminary investigations 1 and 2 were initiated by the III and V Official, Medical and Technical Responsibility Mesas of the Oaxaca District Attorney's Office. These enquiries went against AR1, AR2 and AR4 due to their probable involvement in the commission of the crime of abuse of power to the detriment of V13, V6 and V2. Criminal proceedings were begun within such investigations on May 12th and July 13th 2009, respectively. However, AR3 and AR6 notified the State Human Rights Commission of Oaxaca about their unacceptance of such recommendations by means of an unnumbered official missive sent on August 26th 2009.

Displeased with the municipal authorities' unacceptance, V1 consequently filed a recourse of impugnation on February 16th 2010.

From the logical-legal analysis performed on the entirety of the evidence which is contained within file CNDH/3/2010/58/RI, the National Commission considered the impugnation recourse filed by V1 regarding the unacceptance of recommendation 02/2009 by the town hall of San Andrés Solaga, Villa Alta district, Oaxaca State, to be valid and well founded. This was determined due to the fact that violations of the human rights of V1, V2, V3, V4, V5, V6, V7, V8, V9, V10, V11, V12, V13, V14, V15 and V16 to legality, legal certainty, equality, health, environmental conservation, personal freedom, education and to not be discriminated were observed.

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

**To you, Madame Deputy and President of the Board of Directors of the Honorable Congress of the state of Oaxaca's LXI Legislature:**

**First.** Issue the necessary instructions to whom it may concern in order to for the legally corresponding investigation to be initiated to determine the responsibility possibly incurred by civil servants of the town hall of San Andrés Solaga, Villa Alta district, Oaxaca State, due to the unacceptance of recommendation 02/2009, issued by the State Human Rights Commission of Oaxaca. This procedure is to be fueled by the considerations set forth in the observations chapter of this document and the Mexican National Human Rights Commission must be informed about this situation.

**Second.** Urge the town hall of San Andrés Solaga, Villa Alta district, Oaxaca State, to deliver the reports requested by the Mexican National Human Rights Commission so as to comply with what is stipulated by the law of this institution which defends human rights.

**To you, the members of the Town Hall of San Andrés Solaga, Villa Alta District, Oaxaca:**

**First.** Proceed to instruct whomever it may concern in order for recommendation 02/2009, issued by the State Human Rights Commission of Oaxaca on February 27th 2009, to be fully complied with. The Mexican National Human Rights Commission must be informed about this situation.

**Second.** Order the design and execution of a permanent training program on traditional regulatory systems as well as on local ways and traditions used to solve internal disputes, to which municipal civil servants and community authorities must be subjected to. This must be done in accordance with the general principles of the Political Constitution of the United Mexican States and with respect for human rights and for the dignity and integrity of the people. Proof of compliance must be sent to the national commission.