



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 11/2011**

*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, March 28th, 2011**

**Case: impugnation of V1.**

**Authority Responsible: Deputy President of the Board of Directors of the LIX legislature of the Honourable Congress of the state of Guerrero members of the town hall of Metlatónoc, Guerrero**

On March 29th, 2009, AR1 entered a building property of V1 located in the community of Juanacatlán, municipal district of Metlatónoc, Guerrero, without their authorisation or consent. There, he knocked down a water tank using heavy machinery despite the warnings from the victim's relatives, which he ignored. V1 showed that the actions of AR1, a municipal superintendent of Juanacatlán, that caused damages in his property, was an act of reprisal for having stopped professing Catholicism and for not accepting the role of second officer to watch over the community's catholic church.

Regarding the events, AR1 argued that the entrance of machinery to the area was for the construction of a new water tank, given that the current one was deteriorating. This situation was discussed and resolved at the Cooperative's General Assembly meeting held on March 16th, 2009, where the works carried out in the cited building were ratified and which since 1982 has been recognised by the cooperative as available for common use.

Having proven that AR1's actions were not within the law, and given that V1 demonstrated that he was the owner of the building, the local institution of Human Rights protection, issued recommendation 089/2009 on September 10th, 2009, upon proving that the human rights to legality and legal security were violated to the detriment of V1. Once notified of the recommendation, the Town hall did not announce acceptance or refusal of the resolution issued by the State Human Rights Commission. For this reason, the local institution determined the answer as negative. Once the offended was advised of the refusal, he presented the recourse of impugnation on October 4th, 2010.

A logical legal analysis was carried out using the collection of evidence that make up this recourse to impugnation. The analysis shows that the human rights to legality, legal security and freedom of thought that are recognised in articles 14, second paragraph, 16, first and sixteenth paragraphs, and 24, first paragraph of the Political Constitution of the United Mexican States, were

violated to the detriment of V1, by acts attributable to AR1, municipal superintendent of Juanacatlán, Metlatónoc, Guerrero.

Given the above, and with basis in articles 65 and 66, section a), of the Mexican National Human Rights Law, as well as in 168 of its internal regulations, we respectfully present the following Recommendations:

To the Deputy President of the Board of Directors of the LIX Legislature of the Honourable Congress of the State of Guerrero:

First. Circulate the pertinent instruction to whom it may concern in order to launch, in accordance with the law, an investigation to determine the responsibilities that the civil servants members of the Juanacatlán Town hall, Metlatónoc, Guerrero may have incurred by refusing to accept recommendation 089/2009 issued by the Guerrero State Human Rights Defence Commission and by not respecting the information requirements of the institution. Evidence that proves completion of the above must be sent to the National Commission.

Second. Urge the Constitutional Town Hall of Metlatónoc, Guerrero to produce the reports requested by the National Human Rights Commission, in order to comply with the law of this human rights defence institution.

To the members of the City Hall of Metlatónoc, Guerrero:

First. Instruct whom it may concern in order to comply with the recommendation 089/2009, issued on September 10th, 2009 by the Human Rights Defence Commission of the state of Guerrero. Evidence that proves the completion and observance of the above must be sent to the National Commission.

Second. Collaboration with the administrative investigation that is to be launched by the Honourable Congress of the state of Guerrero, regarding the considerations voiced in the observations chapter of this document. Proof requested must be supplied.

Third. Ample collaboration with the National Human Rights Commission in the presentation and monitoring of the complaint, to be presented before the District Attorney's Office of the state of Guerrero, due to the cause of this announcement being the actions of a municipal civil servant. Requested evidence must be sent to the national institution.