



FOCUS

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Human rights defenders:
fighting for hope

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Since being founded by the Jesuits in 1988, the MIGUEL AGUSTÍN PRO JUÁREZ HUMAN RIGHTS CENTER (Center Prodh) has worked to defend, promote and increase respect for human rights in Mexico, with a focus on social groups that find themselves in situations of vulnerability such as indigenous populations, women, migrants and victims of social repression.

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THE HUMAN RIGHTS CRISIS THAT HAS PLAGUED MEXICO, aggravated by the so-called “War on Drugs”, has produced tens of thousands of victims of state and criminal violence –and, particularly, violence within the intersection between the two– which translates into an immeasurable number of broken lives and suffering.

This, however, is not the only face of the crisis. Many of these victims and their families (who are victims as well) have become activists in the search for their missing relatives, legal advisers, and organizers in light of the authorities’ inaction and impunity. In conjunction with civil society organizations, journalists, and indigenous communities in resistance, these groups constitute the widely diverse human rights movement.


This movement has been the target of increasingly violent attacks in past years, which constitutes an immensely serious problem, because unpunished aggressions against those who defend rights are a decisive factor in the persistence of enforced disappearances, torture, extrajudicial killings, dispossession, displacement, and collusion between the authorities and criminal groups.

Multiple human rights bodies have documented different aspects of these attacks, ranging from the United Nations (UN) and the Inter-American Commission on Human Rights (IACHR) to civil society organizations.

In the last six-year presidential term, the government insisted on denying the gravity of the attacks. In that context, the revelation of the journalists and human rights defenders who had been the targets of attacks by a highly sophisticated and expensive spying software, called Pegasus, constituted a scandal. This software, designed for the cybernetic surveillance of members of organized criminal groups, had been acquired by the then-Mexican Attorney General’s Office (PGR, by its Spanish acronym) in October of 2014.

This episode underscored how the human rights movement was treated as an enemy of the State, but was just one aspect of a wide range of intimidation tactics, including forced entries and searches of offices, the theft of documentation, physical surveillance, and threats. The episode also demonstrated the government’s willingness to use illegal measures against human rights defenders.

In this issue of *Focus*, we address the Spy Government (“Gobierno Espía”) case and the difficulties presented by the lack of independence of the prosecutors’ offices to investigate human rights violations. We present profiles of two human rights defenders: María Herrera, a victim and organizer in search of her forcibly disappeared children, and Misael Zamora, an indigenous environmental activist. Findings of the report of the United Nations Special Rapporteur on the situation of human rights defenders on his mission to Mexico in 2017 are also summarized.

To this day, regrettably, people who were threatened or attacked during the past years continue to suffer risks to their physical integrity and new episodes of violence. The current administration thus has a crucial opportunity: to set aside the rhetoric and finally put an end to the pacts of impunity that persist. 

SANTIAGO AGUIRRE ESPINOSA

DIRECTOR OF CENTER PRODH



Photo: Amapola. Periodismo Transgresor | María Ruiz

Santiago Aguirre, new director of the Miguel Agustín Pro Juárez Human Rights Center (Center Prodh)

This year, Father José Francisco Magaña Aviña, the Provincial Father of the Jesuits in Mexico, designated Santiago Aguirre Espinosa as the new director of the Miguel Agustín Pro Juárez Human Rights Center (Center Prodh).

THE DESIGNATION OF SANTIAGO AGUIRRE comes after Mario Patrón Sánchez finalized his term as the first secular director of Center Prodh and was called to a new task with the Society of Jesus, as Dean of the Iberoamerican University of Puebla, Mexico.

The new director of Center Prodh, who has a degree in law and a master's degree in human rights and democracy, served as Deputy Director of the institution during the past five years and, prior to that leadership role, as a lawyer of the center. Formerly, Santiago Aguirre also worked for the Tlachinollan Human Rights Center in Guerrero, as well as the organization Citizens in Support of Human Rights (CADHAC, by its Spanish acronym), in Nuevo León.

In designating Santiago Aguirre, the Provincial Father recognized his identification and sustained commitment to the mission of the Society of Jesus during more than 15 years of work for civil society organizations.

The Provincial Father seized the occasion to reiterate that Center Prodh has been a fundamental part of the Society of Jesus in Mexico, in faithful service to the promotion of justice, accompanying victims of human rights violations who turn to the organization in search of legal advice and committed accompaniment. Center Prodh, the Provincial Father noted, has been, and will continue to be, the authorized voice of the Jesuits concerning human rights in Mexico. 🕊



#SpyGovernment (#GobiernoEspía): Account of the espionage against activists, journalists, and human rights defenders

In February 2017, a report from The Citizen Lab, of the University of Toronto, –in collaboration with Network in Defense of Digital Rights (R3D, by its Spanish acronym) and Social TIC– disclosed that three activists, who promoted a tax on sugary drinks and advocated for front-labelling of food products in Mexico, had been spied on through the use of a highly sophisticated software, that the Israeli company NSO Group sells to governments with the condition that it only be used against terrorists or persons associated with organized crime.

BY HAVING A PERSON CLICK ON A MALICIOUS LINK sent to the target as an SMS message, the software, called Pegasus, infiltrates smartphones and other devices to monitor any detail of the person's life, including phone calls, messages, e-mails, contacts, and calendars. The malware can even use the devices' microphones and cameras to conduct surveillance.

A few months later, in June of 2017, *The New York Times* revealed that, according to the documentation undertaken by The Citizen Lab, Article 19, R3D, and Social TIC, more human rights defenders, journalists, and anticorruption activists in Mexico had been affected by the same espionage software. The newspaper reported that the malware had been acquired by the Mexican government with a cost of \$80 million (USD).

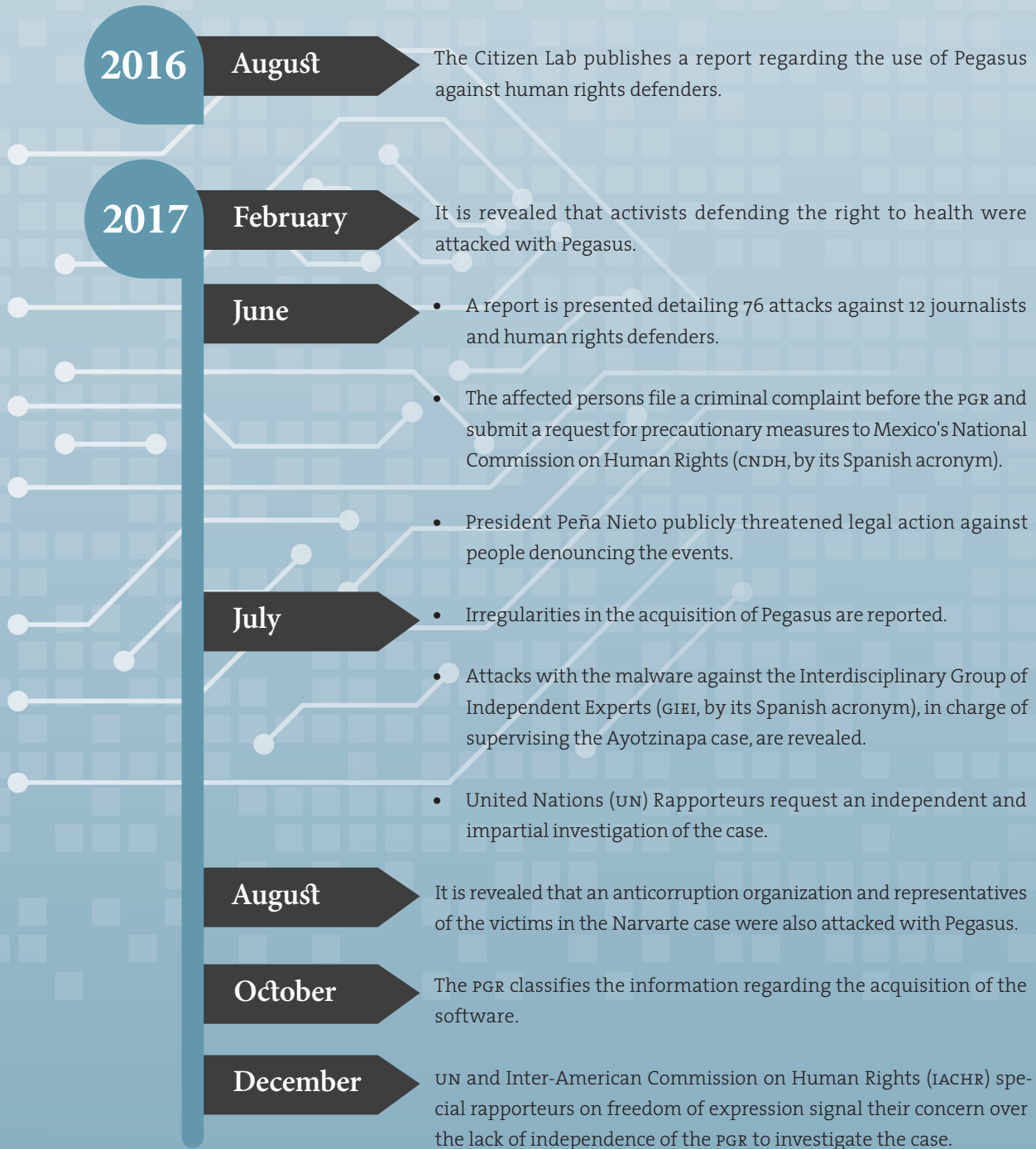
The affected persons filed a criminal complaint before the Mexican Attorney General's Office (then PGR, by its Spanish acronym), but immediately warned about the challenge presented by asking the federal authorities to investigate themselves.

This was a major scandal but the response of the federal government was disappointing: the President of the Republic himself implied that the government

might launch criminal complaints against actors who had denounced the espionage. Subsequent journalistic investigations gave accounts of a possible corruption scheme behind the acquisition of the software.

After this event, more than 100 attempts of infection with the malware Pegasus, against more than 28 journalists, human rights defenders, and activists in Mexico, have been documented. 🐦

Timeline



2018

February

- The UN Special Rapporteur on the situation of human rights defenders calls for an independent investigation.
- *The New York Times* reveals that the United States Federal Bureau of Investigation (FBI) declined to participate in the investigation, considering it a sham.
- The issue is addressed during the 167th Period of Sessions of the IACHR.

April

The National Institute for Transparency, Access to Information and Protection of Personal Data (INAI, by its Spanish acronym) orders the PGR to deliver a public version of the software acquisition contract, but allows it to withhold or omit relevant information.

May

A district judge orders the PGR to admit evidence from the victims and conduct investigative activities that it had originally refused to conduct.

June

The UN and IACHR special rapporteurs on freedom of expression recommend guaranteeing an independent investigation and establishing controls on surveillance.

September

A report by The Citizen Lab suggests that, despite the criminal complaints, the Pegasus operation was not suspended.

October

It is revealed that the assassinated Saudi journalist Jamal Khashoggi had been a victim of Pegasus.

November

A new report by The Citizen Lab reveals attacks against colleagues of the assassinated journalist Javier Valdez.

December

The Network in Defense of Digital Rights (R3D, by its Spanish acronym) wins a constitutional challenge (*amparo*) so that documents related to the acquisition of Pegasus and its technical procedures are considered public information.

2019

January

The INAI accuses the PGR of not collaborating in its investigation of Pegasus

February

The INAI determines that the PGR violated the protection of personal data with the use of Pegasus. It also reveals that the PGR concealed two 2016 and 2017 renewal contracts of the Pegasus software license, despite its claims that it never used them.

March

It is revealed that Griselda Triana, wife of the assassinated journalist Javier Valdez, was also attacked by the software. Her case is incorporated in the file of the open investigation.



Photo: HispanTV

The challenge of reversing impunity in the #SpyGovernment investigation

This text was written in collaboration with the Network in Defense of Digital Rights Red3D and Article 19

The cases denounced under the hashtag #GobiernoEspía (#SpyGovernment), far from constituting isolated events, are embedded in a context of harassment and attacks against human rights defenders, journalists, and activists, as was documented by the United Nations (UN) Special Rapporteur on the situation of human rights defenders during his visit to Mexico¹. They also revealed the absence of adequate controls in the face of surveillance undertaken without judicial authorization or conditions of legality, necessity, and proportionality.

TO THIS CONTEXT, ONE CAN ADD THE CHALLENGE of developing an independent, autonomous, and technical investigation when the authority charged with conducting it is identified as the probable perpetrator.

To this day, this concern is sustained, since, despite the seriousness of the case and two years after the filing of the criminal complaint before the Special Prosecutor's Office for Attention to Crimes Committed against Freedom of Expression (FEADLE, by its Spanish acronym) of the Mexican Attorney General's Office (then PGR, by its Spanish acronym), there are still serious pending tasks required to advance the investigation.

Past actions carried out by federal investigators have yielded no results; the PGR also failed to incorporate serious mechanisms to provide technical supervision of the investigation or other measures to guarantee its autonomy. The United States Federal Bureau of Investigation (FBI) declined to participate in the investigation considering that it seemed like a sham.²

The PGR refused to conduct the proceedings suggested by both The Citizen Lab (the interdisciplinary

laboratory of the University of Toronto in Canada that documented the espionage and even responded to a questionnaire written by the PGR in which it laid out a proposed investigation route), and by the victims themselves. Complainants even had to go before a supervisory judge due to the refusal by the PGR to conduct certain key actions, which led federal judges to order the PGR to admit the evidence offered by the victims and their representatives.

Also concerning is the lack of clarification of the espionage against members of the Interdisciplinary Group of Independent Experts (GIEI, by its Spanish acronym) sent to supervise the Ayotzinapa investigation (who had diplomatic immunity) and of the possible corruption associated with the purchase of the espionage equipment.³

1. United Nations. *Report of the Special Rapporteur on the situation of human rights defenders on his mission to Mexico*, A/HRC/37/51/Add. 12 february 2018.

2. AHMED, Azam. "Mexico Spyware Inquiry Bogs Down. Skeptics Aren't Surprised", in *The New York Times*, 20 de febrero de 2018. Disponible en: <https://nyti.ms/2KMSszn>

These issues, on the one hand, reveal the deficiencies of the investigation, in particular when the agency subject to investigation is the authority charged with conducting it. They also attest to the absence of controls and safeguards on surveillance in Mexico, which prevents these surveillance processes from being submitted to a revision to identify their correct use and sanction any unlawful use.


Nonetheless, the transition process from the former Attorney General's Office ("Procuraduría General de la República" or PGR), to the newly created autonomous Attorney General's Office ("Fiscalía General de la República" or FGR), within the added context of a change in the federal administration, presents an opportunity for reversing this situation of impunity. The new Attorney General's Office must prove that it is up to the task of addressing this serious case and proceed with a diligent investigation, including guarantees of independence and the technical capacities required to ascertain responsibilities.

In a country with high levels of violence against journalists and human rights defenders, solving the Pegasus case would send an important message of zero tolerance of aggressions intended to hinder the efforts of oversight and counterbalance that are so critical to consolidating democracy in Mexico.

How to regulate surveillance?

- 1) **Legal certainty:** The legislation must be clear, precise and detailed, making it perfectly clear who can conduct surveillance, under what circumstances, and following what procedures.
- 2) **Controls in the acquisition of surveillance tools:** The processes must be regulated strictly, to ensure the existence of external controls and a registry of tools and capabilities acquired by the authorities.
- 3) **Protocols and registries of the use of surveillance tools:** The use of these tools must incorporate implementing protocols and registries

that allow for oversight and grant certainty with respect to which authorities have participated in the handling of the intelligence obtained.

- 4) **Judicial control:** All surveillance measures must be subjected to prior judicial control; in exceptional cases, the control must be granted immediately and a continued supervision of the measures must exist.
- 5) **Transparency:** The authorities empowered to carry out surveillance measures and the judicial authorities in charge of authorizing and supervising the measures, as well as any private actors involved, must produce, at a minimum, statistical information regarding said measures and guarantee access to public information about the acquisition processes and authorization of the use of these tools.
- 6) **Right of notification:** All persons affected by a surveillance measure must be notified as soon as possible. The temporal deferral of the notification should be authorized only when it can be demonstrated that an investigation or the physical integrity of a person may be put at risk.
- 7) **Independent supervision:** An independent authority must oversee and audit the use of surveillance tools; it must possess guarantees of access to the necessary information to carry out its work and the authority to sanction irregularities.
- 8) **Right to truth and the fight against impunity:** It is indispensable that independent investigation mechanisms be established to allow for the identification of all victims of illegal surveillance and to guarantee society's right to know how the state apparatus has been used to invade the private life of the population and how surveillance is associated with the commission of grave human rights violations in Mexico. In particular, it is fundamental to prevent impunity for documented abuses. To this end, it is urgent that Mexico implement the recommendations reiterated by international human rights bodies regarding the need to establish an independent investigation mechanism. 

3. Mexicans against Corruption and Impunity. "Murillo Karam's subordinate, linked to business group that sold Pegasus to the PGR", 20 February 2017. Available in Spanish at: <http://bit.ly/31VKZnq>



International concern and opportunity for assistance

The revelation of the government's use of the Pegasus spyware in Mexico triggered the concern of national and international actors and organizations, given the confirmation that Mexican authorities conduct espionage, without adequate controls or conditions of legality, against human rights defenders, anticorruption activists, and journalists – particularly when their work exposes emblematic cases of corruption or denounces irregularities in highly sensitive cases.

IN LIGHT OF THE PUBLIC DISCLOSURE of these cases, and an initial response from the federal government dismissing the facts and even criminalizing those who denounced the espionage, actors including Amnesty International¹, Human Rights Watch², the Nobel Women's Initiative³, the Advisory Council of the National Institute for Transparency, Access to Information and Protection of Personal Data (INAI, by its Spanish acronym)⁴, the Inter American Press Association⁵, and a number of international and Mexican civil society organizations⁶, took a stance and urged the authorities to conduct a prompt investigation. The activist Edward Snowden⁷ emphasized that the issue transcended the individual cases and constituted a "crime against the public".

Notably, the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR) called for an exhaustive investigation and its

1. Amnesty International. "Amnesty International Mexico shares concerns about the espionage of human rights defenders", 19 June 2017. Available in Spanish at: <http://bit.ly/2Hhd3cW>

2. Human Rights Watch. "Mexico: Investigate Spyware Attack". 20 June 2017. Available at: <https://bit.ly/32UClp5>

3. Network in Defense of Digital Rights (R3D, by its Spanish acronym). "Winners of the Nobel Prize request independent and impartial investigation of the #SpyGovernment case", 24 July 2017. Available in Spanish at: <http://bit.ly/2Hh66si>

4. "'Reformist,' a country that spies on its citizens?, say critics here and abroad", in *Sin Embargo*, 20 June 2017. Available in Spanish at: <http://bit.ly/2ZcMuM1>

5. Inter-American Press Society. "The Inter-American Press Society condemns and calls for the suspension of digital espionage practices", 20 June 2017. Available in Spanish at: <http://bit.ly/2Z8Cg4g>

6. The Washington Office on Latin America (WOLA). "Spyware attacks against outspoken critics of the government in Mexico", 14 July 2017. Available at: <https://bit.ly/2OjkH9n>

7. "Espionage, crime against the public: Edward Snowden", in *El Universal*, 20 June 2017. Available in Spanish at: <http://bit.ly/2TV4oDG>

representative in Mexico condemned the acts as illegal espionage⁸, urged a prompt investigation, and demanded proactive, transparent measures to inform the public about the contracting of this espionage technology.

The Inter-American Commission on Human Rights (IACHR) has previously analyzed surveillance measures and their impact on human rights⁹; specifically, through its Special Rapporteur on Freedom of Expression, the IACHR expressed concern over the purchase and use of espionage software¹⁰. Regarding the use of Pegasus in Mexico, in July of 2017, the Special Rapporteur issued Communication R96/17, calling for a complete and independent investigation.¹¹


Moreover, four UN experts issued a communication¹² emphasizing the Mexican authorities' duty to ensure the necessary conditions for a transparent, independent, and impartial investigation. The UN Special Rapporteur on the situation of human rights defenders, Michel Forst, reiterated this call in its report after his Mexico country visit in 2017¹³.

Similarly, when the UN and IACHR special rapporteurs on freedom of expression visited Mexico jointly, they both recommended that Mexico consider creating an independent body to effectively supervise the state's surveillance apparatus.¹⁴

Guarantees for an independent and diligent investigation

Given the fact that the Mexican Attorney General's Office –in charge of the investigation– is also one of the principal suspects, the complainants and the organizations representing them have demanded the adoption of minimum conditions to guarantee the independence, exhaustiveness, and rigor of the investigation –such as incorporating outside experts. As of this date, this has not occurred.

As experience in other emblematic cases of human rights violations has shown, international supervision can play a crucial role in these investigations: on the one hand, it can provide technical assistance regarding aspects of the investigation that require a high level of expertise, as is the case with the use of such advanced espionage technology as Pegasus. On the other hand, it can also provide minimum standards of supervision of an investigation that could easily be manipulated and that currently lacks basic conditions of trust or autonomy.

Incorporating international assistance by allowing for the participation of autonomous experts (who could, for example, provide analysis and reports to guide the route of the investigation), as international bodies and even a domestic supervisory judge have suggested, would provide an opportunity to make substantive progress to clarify and punish these crimes. 

8. United Nations Office of the High Commissioner for Human Rights (OHCHR), “OHCHR calls for ensuring an effective investigation of the espionage cases and harassment of journalists and human rights defenders”, 22 June 2017. Available in Spanish at: <http://bit.ly/22gGk2N>

9. Inter-American Commission on Human Rights (IACHR). Special Rapporteur on Freedom of Expression. Freedom of Expression and the Internet. 31 December 2013. OEA/Ser.L/V/II; Párr. 60. Available at: <https://bit.ly/33VqeJZ>

10. Inter-American Commission on Human Rights (IACHR). “The Office of the Special Rapporteur Expresses Concern Over the Acquisition and Implementation of Surveillance Programs by States of the Hemisphere”. Press release R80/15. Washington, D.C.; 21 July 2015. Available at: <https://bit.ly/2OkzJLV>

11. Inter-American Commission on Human Rights (IACHR). “Office of the Special Rapporteur expresses concern over alleged spying targeting journalists and human rights defenders in Mexico and urges the State to conduct a thorough and independent investigation”. Press release R96/17. Washington, D.C.; 12 July 2017. Available at: <http://bit.ly/31OV6dB>

12. United Nations (UN). Mexico: UN experts call for an independent and impartial investigation into use of spyware against rights defenders and journalists”. Geneva, 19 July 2017. Available at: <https://bit.ly/37aDmNn>

13. United Nations Special Rapporteur on the situation of human rights defenders. *Report of the Special Rapporteur on the situation of human rights defenders on his mission to Mexico*, 12 February 2018, A/HRC/37/51/Add.2. Available at: <https://bit.ly/35c3OV2>

14. Preliminary observations of the United Nations Special Rapporteur on Freedom of Expression and the Inter-American Commission on Human Rights (IACHR) Special Rapporteur on Freedom of Expression after joint visit to Mexico, November 27-December 4, 2017; 4 December 2017. Available in Spanish at: <http://bit.ly/31Td2Eo>



Photos (from left to right): Milenio, Kajanegra, Cuartoscuro, AFP

International perspective: criminalized human rights defenders

The Report of the United Nations (UN) Special Rapporteur on the situation of human rights defenders on his mission to Mexico in 2017, presented in March of 2018, contains numerous concerns.

AFTER MEETING WITH GOVERNMENT AGENCIES, civil society organizations, journalists, and families of victims who are also activists, UN Special Rapporteur Michel Forst concluded that human rights defenders in Mexico suffer a variety of attacks; are intimidated, harassed, and assaulted, and suffer particularly high risks if they have denounced abuses perpetrated by the armed forces or law enforcement.

The Special Rapporteur dedicated a substantial part of his report to how the activities of human rights defenders in Mexico have been criminalized through the improper and purposeful use of crimi-

nal legislation, with the objective of hindering and even paralyzing efforts to exercise the legitimate right to promote and protect human rights. In addition to unfounded smear attacks, Mr. Forst identified judicial harassment, prosecutions based on false accusations, deprivations of liberty without a court order, and inhumane detention conditions. The UN expert also cited attacks through the use of technology—such as the targeting of organizations' web sites with malicious software.

The Special Rapporteur also found generalized impunity and persistent attacks against human

rights defenders, which contribute to their criminalization, sow fear in society, stigmatize and isolate victims, and encourage the commission of new human rights violations.

Indigenous Peoples, Journalists, and Families of Disappeared Persons in Search of their Missing Relatives

The Special Rapporteur showed special concern for particular groups of human rights defenders, highlighting the vulnerability of indigenous communities who protect their traditional lands against outside plans to construct large-scale projects and to exploit natural resources.

The Rapporteur also noted that, despite advances in constitutional guarantees of freedom of expression, journalists who express critical opinions often suffer acts of intimidation and threats, which include murder and disappearances, physical and psychological assaults, and other forms of interference that undermine the right of the population to be informed.

Moreover, the expert also emphasized the situation of the families of victims of enforced disappearances, who have become human rights defenders out of necessity.

Forst stressed that:

The search of families for their disappeared relatives constitutes one of the most difficult human rights issues in Mexico.¹

He explained that these families are exposed to countless risks and threats in their search for truth and justice, given that they often discover instances of collusion between government officials and organized criminal groups. They are also vulnerable because they conduct investigations of human rights violations and mobilize to protest against them.

He concluded that:

Their activities should be recognized as a part of broader human rights work. The national brigades for the search for disappeared persons and the broader movement of families of the disappeared have helped to prevent many disappearances.²

1. <https://bit.ly/2qm4M26> para. 70, p. 13.

2. *Ibid.*, para. 71, p. 13.



Statistics



The Inter-American Commission on Human Rights (IACHR) and the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR) expressed concern for **the rise in the number of murders of human rights defenders in Mexico** during the first four months of 2019, in comparison to previous years. At least 10 human rights defenders were assassinated during this period, a figure close to the 13 documented cases during the entire year of 2018.

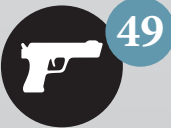
Human rights defenders assassinated from January to April



Human rights defenders assassinated from January to December



During 2018, the Mexican Center for Environmental Law (CEMDA, by its Spanish acronym) documented **49 attacks against land defenders, with 21 murders of defenders.**



The National Network of Women Human Rights Defenders in Mexico reported that between 2013 and 2016, there were **1360 registered aggressions against women human rights defenders**, which places Mexico as the country of highest occurrence of such attacks in Mesoamerica.



The National Network of Human Rights Organizations “All Rights for All” (Red TDT, by its Spanish acronym) documented that during the last six-year presidential term, **161 human rights defenders and 40 journalists were assassinated. At least 42 murdered human rights defenders were members of indigenous communities.**

Period 2012-2018



Assassinated journalists



Human rights defenders assassinated



42 indigenous people out of 159 human rights defenders assassinated



documented



Assassinated journalists from 2012 to 2018



Photo: Luces del Siglo

María Herrera and the (possible) acceptance by Mexico of the case jurisdiction of the United Nations Committee on Enforced Disappearances (CED)

María Herrera has just commemorated the tenth and eleventh year of searching for her four children, who were disappeared in two separate episodes. During this time, Mrs. Herrera, known as Doña Mari, has channeled her immense pain into the search for her children and into organizing and creating better conditions for all families who suffer the disappearance of a loved one.

ORIGINALLY FROM PAJACUARÁN, MICHOACÁN, María Herrera is the mother of eight children. Raúl Trujillo Herrera, then 19 years old, and Salvador Trujillo Herrera, then 24 years old, were forcibly disappeared in 2008 in Atoyac de Álvarez, Guerrero. Two years later, Luis Armando Trujillo Herrera, then 24, and Gustavo Trujillo Herrera, then 28, were disappeared in the state of Veracruz. They were there in search of work due to the significant economic burden that the search for their disappeared relatives entailed.

The Trujillo Herrera family joined the nascent Movement for Peace with Justice and Dignity (MPJD, by its Spanish acronym) in 2011. During the movement's dialogues with then-President Felipe Calderón, Doña Mari challenged the former head of state for the social harm caused by his War on

Drugs; her voice became an emblem of thousands of victims who were accumulating all over Mexico.

In conjunction with their search efforts –that have resulted in constant threats and even assassination attempts–, in 2013, Doña Mari and her family promoted the creation of the *Red de Enlaces Nacionales* (Network of National Links), a coordination of organizations in search of disappeared persons in various states of Mexico. In 2014, the organization *Familiares en Búsqueda María Herrera* (Family Members in Search, María Herrera) was founded. Along with the *Red de Enlaces Nacionales*, it has built a large network of families. By 2016, the organizations launched the first National Search Brigade, which has discovered several clandestine (mass and individual) graves in various states –in places and in ways that the authorities do not find.



Raúl Trujillo Herrera



Jesús Salvador Trujillo Herrera



Gustavo Trujillo Herrera



Luis Armando Trujillo Herrera

Over the past years, the Herrera family has been the victim of attacks and threats for their organizational and search efforts. Nevertheless, this courageous family has not given up the struggle and has even gone a step further.

In March of 2018, Doña Mari decided to undertake a legal battle by way of a constitutional challenge (*amparo*) to compel Mexico to recognize the jurisdiction of the United Nations (UN) Committee on Enforced Disappearances (CED) to receive individual cases, a long-time and sincere demand of the organizations and collectives, that had also been promoted by the Office of the United Nations High Commissioner for Human Rights. The administration of former president Enrique Peña Nieto had tenaciously resisted the acceptance of the CED's jurisdiction or even its visit to Mexico.

In January of 2019, the Third District Judge of the Administrative Court in Mexico City found in favor of Doña Mari and ordered the Ministry of Foreign Affairs (SRE, by its Spanish acronym) to define, within 60 calendar days, the acceptance of the CED's jurisdiction. The SRE announced that it would not comply with the resolution and appealed against it, leaving it to be resolved by a collegiate tribunal.

Surprisingly –considering the recalcitrant stance of the SRE– this past August 30th, the Undersecretary for Human Rights of the Mexican Interior Ministry, Alejandro Encinas, announced that the federal government would recognize the CED's jurisdiction to receive individual cases and would invite the CED to conduct an official visit to Mexico during the second semester of 2020. Nonetheless, as of this date, the government has not formalized this recognition.

Without a doubt, the announcement is a positive development thanks to the tireless fight of Doña Mari and the hundreds of families in search of forcibly disappeared victims. If these measures materialized, they would be added to other positive actions by the federal government on the matter of enforced disappearances, such as the re-launch of the National Search System (SNB, by its Spanish acronym) to open more doors for those who search for their loved ones. Notably, the acceptance of the CED's jurisdiction would present a new-found opportunity for analysis of cases in which domestic remedies have been exhausted. As we have seen in countless cases throughout these years, this is an opportunity that we have no right to disregard. 🦋



Photo: Daniel Camacho

Misael Zamora, criminalized environmental defender

The case of young Misael Zamora illustrates how the criminal justice system in Mexico is still being used to punish those who affect the interests of power groups (both criminal and governmental) who seek to profit illegally at the expense of the devastation of the land.

MISAEI'S FAMILY HAS DEFENDED the *Gran Bosque de Agua* (Great Water Forest) in San Juan Atzingo in the State of Mexico for more than 20 years. Their complaints against clandestine loggers and their reforestation campaigns have won them the recognition of their community and the accompaniment of prestigious organizations, such as Greenpeace.

The area that the Zamora family defends is of special importance to the environment. The 10 800 hectares of forestland of this Tlahuica community form part of the forest that replenishes 3/4ths of

the water consumed in Mexico City, and provides a habitat for 2 percent of the world's biodiversity. Regrettably, San Juan Atzingo is also one of the 15 most critical regions affected by illegal logging in Mexico, according to the Mexican Federal Attorney General's Office for Environmental Protection (PROFEPA, by its Spanish acronym).

With singular courage, the Zamora family has documented the illegal logging; filed complaints, including names, photos and videos; insisted that authorities –among them, some that are presently

accusing Misael Zamora— comply with their oversight obligations; and driven reforestation campaigns.

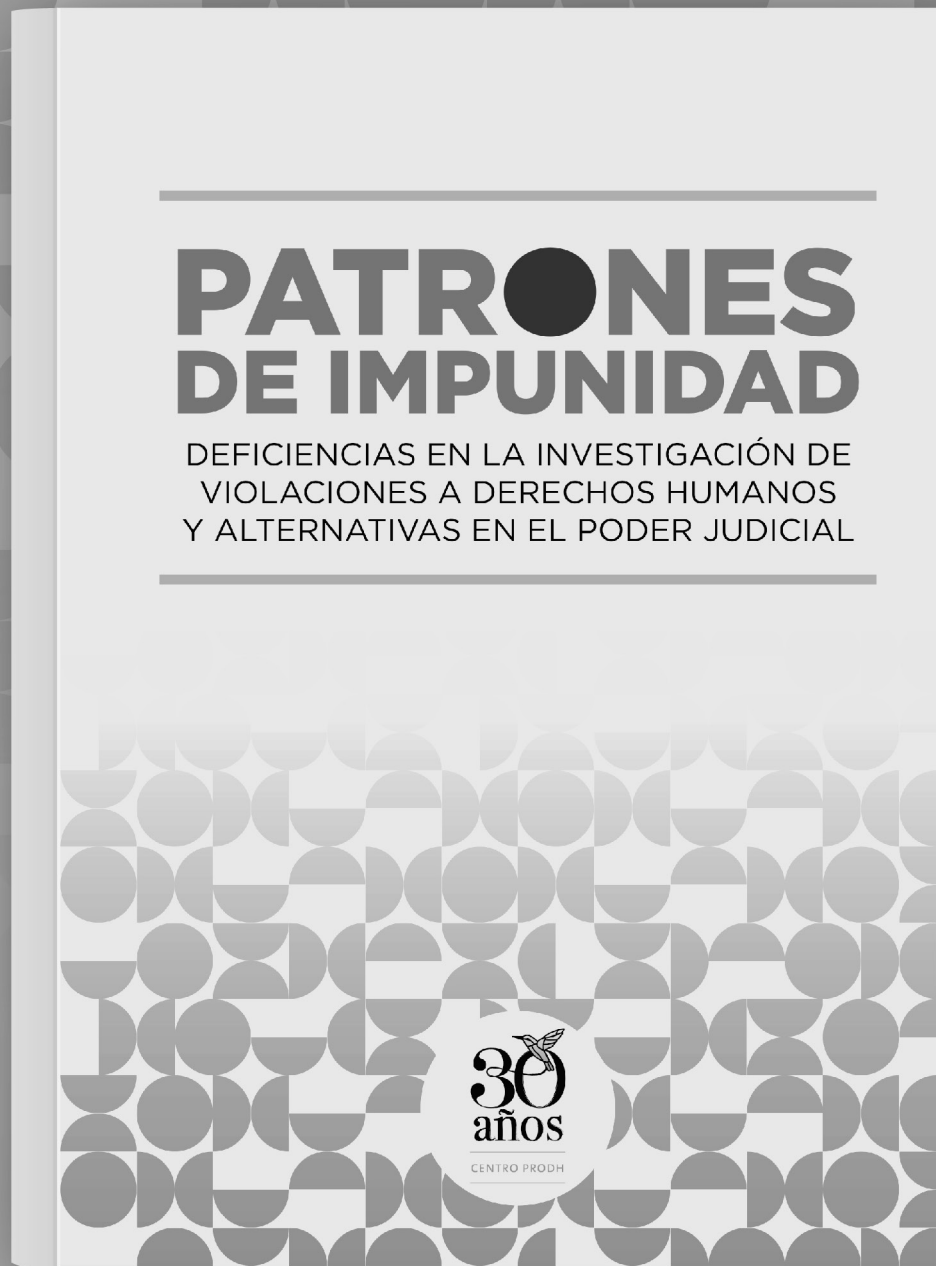
The retaliation and reprisals for these efforts have not ceased. Aldo, Misael's older brother, was assassinated by loggers in 2007. Don Ildefonso, his father, was imprisoned for a non-existent crime in 2015, and now Misael—who assumed his father's role due to his father's deteriorating health after nine months in prison—is facing criminal accusations manufactured by the Attorney General's Office of the State of Mexico, grotesquely accusing him of illegal logging.

In past months, Global Witness warned that Mexico was the sixth most dangerous country in the world for land defenders, emphasizing arbitrary criminal prosecutions. Meanwhile, 17 United Nations (UN) Special Procedures have urged Mexico to ratify the

Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, also known as the "Escazú Agreement", which recognizes the role of human rights defenders and calls for their protection.

Misael, defended in his criminal trial by the Miguel Agustín Pro Juárez Human Rights Center (Center Prodh), has pointed out that the supposed evidence cited to accuse him reflects a context of human rights violations and does not show that the alleged crime even took place or that Misael was linked to it. His hope is that a federal constitutional judge can put a stop to these blatant irregularities or that the Attorney General's Office of the State of Mexico will desist in advancing this unjust prosecution, which could carry 20 years of unjust imprisonment for this indigenous youth. 🦋

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