

## JOINT STATEMENT

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### **MEXICO: Release of Damián Gallardo and Enrique Guerrero must mean the beginning of a State policy to put an end to criminalisation**

***Geneva-Paris-Stuttgart-Dublin-Munich, 11 February 2019 - International organizations celebrate the release of human rights defenders Damián Gallardo and Enrique Guerrero, but urge Mexican authorities to include the end of criminalisation against human rights defenders as a central theme in the human rights agenda of this Presidential term.***

On 28 December 2018, Messrs. Damián Gallardo Martínez and Enrique Guerrero Aviña were released after a resolution in this regard by the Eighth District Court of Federal Criminal Proceedings in the State of Jalisco. Both human rights defenders had been arbitrarily imprisoned since May 2013 and had been victims of repeated violations of their human rights since their arrest, including acts of torture and ill-treatment and numerous violations of their due process rights.

Our organisations celebrate the release of the two defenders and thank all the institutions and citizens who have interceded for the resolution of this emblematic case of criminalisation of the human rights defence in Mexico. However, we strongly condemn the lack of compliance by the Mexican State with the opinions of the United Nations Working Group on Arbitrary Detention on the cases of defenders Damián Gallardo Martínez (23/2014) and Enrique Guerrero Aviña (55/2015).

Moreover, we demand that Mexican authorities establish adequate measures to repair the damage caused; that accountability procedures against the authorities responsible for the grave violations committed against the HRDs are established and guaranteed; and that all necessary measures are taken to ensure their physical and psychological integrity, as well as those of their families and the organizations that have accompanied them. Finally, our organizations highlight the obligation of the Mexican authorities to establish substantial guarantees of non-repetition.

In this regard, we once again urge<sup>1</sup> the Mexican Administration to include as a central theme in the human rights agenda the development, with the participation of civil society, of a State policy that puts an end to the criminalisation of human rights defenders in Mexico. The Working Group on Arbitrary Detention has issued 8 Opinions to Mexico in which it declared the arrest of 32 people defenders as arbitrary and demanded their immediate release, and which are still unfulfilled. Six of the eight Opinions correspond to cases in the state of Oaxaca, where the current releases were preceded by the release of other beneficiaries of Opinions, including Librado Baños (19/2015), as well as several members of the Sol Rojo organisation (17/2016).

Finally, the signatory organisations express our permanent solidarity to the families, friends and organisations accompanying human rights defenders who have been criminalised.

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<sup>1</sup> See Joint Open Letter to the President Elect of the United Mexican States, Mr. Andrés Manuel López Obrador, dated 27 August 2018, "To put an end on the criminalisation of human rights defenders must be a priority for the new Mexican government," available here: <http://www.omct.org/human-rights-defenders/urgent-interventions/mexico/2018/08/d25007/>.

### Signatory organisations:

- Organización Mundial Contra la Tortura (OMCT), en el marco del Observatorio para la Protección de los Defensores de Derechos Humanos
- FIDH, en el marco del Observatorio para la Protección de los Defensores de Derechos Humanos
- Coordinación Alemana por los Derechos Humanos en México
- Front Line Defenders
- Oficina Ecuménica por la Paz y la Justicia

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