



CENTRO DE DERECHOS HUMANOS  
ZEFERINO LADRILLERO



RED NACIONAL DE ORGANISMOS  
CIVILES DE DERECHOS HUMANOS



RED NACIONAL de  
DEFENSORAS de  
DERECHOS HUMANOS  
en MEXICO



## JOINT STATEMENT

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**Mexico: Three years after her arbitrary detention, we demand the release of Kenia Hernández**

***Geneva-Paris-Mexico, 20 October 2023 - For three years the Mexican State has violated the human rights of Kenia Hernández, an Amuzga indigenous lawyer and woman human rights defender who has participated in several social movements in the State of Guerrero and who was arbitrarily detained in October 2020. 11 national and international human rights organisations demand the Federal Government and the Government of the State of Mexico to secure her immediate release and full reparation for the damages committed.***

**Kenia Inés Hernández Montalván** has been deprived of her liberty for three years. On 18 October 2020, 22 members of the Ministerial Police of the Attorney General's Office of the State of Mexico arbitrarily detained her in a toll booth in Amozoc, Puebla. The human rights defender did not receive a warrant, nor was she informed of the reason for her detention. During the detention process she was subjected to ill-treatment and physical violence. Her family and legal counsel had no communication with her until the following morning, on 19 October 2020, at which point her whereabouts became known and it was announced that she was detained in the Santiaguito Social Readaptation Centre, located in Almoloya de Juárez, State of Mexico. Kenia Hernández was accused of "robbery with armed violence", as well as "attacks on roads as part of a gang" to the detriment of the Federal Roads and Bridges institution (CAPUFE) and Autovías Concesionaria Mexiquenses.

On 25 October 2020, the Attorney General's Office, along with the representative of CAPUFE, identified Kenia Hernández as "a person who puts society at risk because she demonstrates a lot", and therefore requested her transfer to the Federal Centre for Social Readaptation of Women (CEFERSO) No. 16, Morelos, a maximum security prison.

Before her arbitrary detention, Kenia Hernández was dedicated to the defence of land and territory, women's rights, and indigenous peoples rights. As coordinator of the "Colectivo Libertario Zapata Vive" and as a co-founder and member of the "Movimiento por la Libertad de los Presos Políticos del Estado de Guerrero" (MOLPEG), she accompanied survivors of gender-based violence and relatives of victims of femicide, people unjustly deprived of their liberty and people affected by the activities of multinational extractive companies in Mexico.

The woman human rights defender is currently facing 11 prosecutions in retaliation for her work. Among these are two sentences which would amount to more than 20 years in prison in the State of Mexico, for the crime of "robbery with violence". The other nine trials are in the federal jurisdiction for the alleged crime of "attacks on general communication routes", three of which have been suspended.

The judicial proceedings against Kenia Hernández have been marked by irregularities. For example, she has been denied face-to-face participation in her hearings, the right to interpretation in the Amuzgo language, and her family has been prevented from visiting her on several occasions. All of this has led the woman human rights defender to carry out two hunger strikes, the first on 17 May 2021, which lasted 21 days, and the second on 17 October 2021, which lasted 61 days. These hunger strikes have aggravated her situation of vulnerability and risk.

Throughout the three years of her arbitrary detention in CEFERSO No. 16 - the only maximum security women prison in Mexico - Kenia Hernández has suffered discrimination based on her gender and her identity as a member of the Amuzgo indigenous people. In addition, the defender [has denounced](#)



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restrictions on her access to medical consultations, as well as to drinking water. Hernández has been subjected to extreme isolation, including being [evicted](#) from a 29-cell cell block to instead be subjected to solitary confinement, as she is considered a "dangerous inmate". Similarly, there is strict control over her correspondence, which has prevented her from receiving supplies, restrictions on meetings with her legal defence and on visits by family members and human rights organisations accompanying her case.

Furthermore, following three observation missions, national and international human rights organisations [concluded](#) that at least 13 of their human rights had been violated, including their right to health, to non-discrimination and to a fair trial, among others. Similarly, the Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on the Rights of Indigenous Peoples and the UN Working Group on Arbitrary Detention have expressed [concern](#) about the "constant opening of investigation processes with the aim of keeping her deprived of her liberty".

Kenia Hernández's case is an example of the harassment faced by human rights defenders in Mexico, marked by the misuse of criminal law to prosecute human rights defenders, as well as the criminalisation of social protest.

The undersigned organisations [recall](#) that the deprivation of liberty of Kenia Hernandez, as the mother and sole provider for her underage children, violates the United Nations Rules for the Treatment of Women Prisoners (Bangkok Rules), particularly Rules 4, 26 and 64, which require that women in detention be sent to prisons close to their homes, bearing in mind their caring responsibilities; the facilitation by all reasonable means of contact with their families, including their children; and the preference for non-custodial sentences to be imposed on women with dependent children.

For all these reasons, on this third anniversary of the arbitrary detention of Kenia Hernández, the undersigned organisations call on the Federal Government, the Government of the State of Mexico and the competent authorities in this case, to guarantee the safety and physical and psychological integrity of Kenia Hernández and to release her immediately. The organisations urge the authorities to annul the convictions against her, since they appear to have the sole objective of hindering her work in defence of human rights, and to guarantee reparation measures for the damages caused.

### **Signatory organisations:**

World Organisation Against Torture (OMCT), in the framework of the Observatory for the Protection of Human Rights Defenders (Observatorio para la Protección de los Defensores de Derechos Humanos)

International Federation for Human Rights (FIDH), in the framework of the Observatory for the Protection of Human Rights Defenders (Observatorio para la Protección de los Defensores de Derechos Humanos).

Human Rights Centre "Zeferino Ladrillero".

ACAT France

CIVICUS Global Alliance

Front Line Defenders (FLD)

Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos (IM-Defensoras)

Red Nacional de Defensoras de Derechos Humanos en México



Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todas y Todos" (Red TDT)