

Mexico: UN expert concerned over criminalisation, arbitrary detention and long sentences for indigenous defenders

GENEVA (8 November 2024) – The UN Special Rapporteur on the situation of human rights defenders, Mary Lawlor, today expressed concern about the arbitrary detention of indigenous human rights defenders in Mexico and the imposition of harsh sentences against them.

“I am alarmed that numerous indigenous human rights defenders have not only been criminalised for their peaceful and legitimate activities but have also been subjected to very long prison sentences or prolonged pre-trial detention, with the apparent intention of preventing them from carrying out their human rights work,” Lawlor said.

The Special Rapporteur highlighted the cases of 10 indigenous defenders convicted in judicial proceedings she said indicated significant violations of due process. “The human rights defenders appear to have been wrongly accused of crimes such as murder, in some cases even when they were not in the place or area where the crime took place,” she said.

The combined sentences of nine of the 10 defenders totalled almost 300 years in prison, while one of the defenders - Zapotec leader Pablo López Alavez – has been detained for 14 years without a sentence. In 2017, the UN Working Group on Arbitrary Detention [concluded](#) that the defender's deprivation of liberty was arbitrary.

The Special Rapporteur cited the following cases: David Hernández Salazar, sentenced to 46 years and 6 months in prison; Kenia Hernández Montalván, sentenced to 21 years and 9 months; Tomás Martínez Mandujano, sentenced to 43 years and 9 months; Saúl Rosales Meléndez, sentenced to 20 years; Versain Velasco García, sentenced to 58 years; Agustín Pérez Velasco, Martín Pérez Domínguez, Juan Velasco Aguilar and Agustín Pérez Domínguez, sentenced to 25 years each.

“These long-term sentences represent the extreme end of a very worrying trend of the misuse of criminal law against indigenous defenders – many of them leaders of their communities, apparently to limit their ability to protect their communities and defend human rights in general,” Lawlor said.

The work of the 10 defenders focuses on issues that pose a threat to their communities, including development, exploitation of natural resources and land, the detrimental effect of the extractivist economic model and organised crime.

“Therefore, the impact of their criminalisation and prolonged incarceration goes far beyond the harm to them as individuals and negatively impacts their communities,” Lawlor said.

Although the Special Rapporteur welcomed the revocation of the sentence against David Hernández Salazar, Lawlor said this only showed that the accusations against him had been fabricated, “as seems to be the case for the other nine indigenous human rights defenders as well”.

“I urge the competent authorities to revoke the sentences of Kenia Hernández Montalván, Tomás Martínez Mandujano, Saúl Rosales Meléndez, Versain Velasco García, Agustín Pérez Velasco, Martín Pérez Domínguez, Juan Velasco Aguilar and Agustín Pérez Domínguez, and drop the charges against Pablo López Alavez, and release them immediately,” Lawlor said.

The Special Rapporteur is in contact with the Government regarding these concerns.

