

## Stop judicial threats against the Committee in Defense of the Nixticuil Forest in Zapopan, Jalisco

Joint Statement

Mexico City, December 07, 2022

On November 17 of 2022 a summons was delivered to Hector de Jesus Aguilar Farias and Velvet Elizabeth Ramirez Marchena, land human rights defenders, to appear at a judicial control hearing on **December 8, 2022** at the Federal Criminal Justice Center of the state of Jalisco, in Puente Grande. We express our urgent concern about the increase in acts of judicial harassment against members of the Committee in Defense of the El Nixticuil Forest, who carry out their activities in the municipality of Zapopan.

The document they received does not contain a date or signature of the authorities but it does explicitly state the existence of a file against them: **54/2022**. This hearing opens the possibility of the authorities formally resuming an investigation (see details below), putting at risk the human rights defenders rights to defend their land and territory, as well as their freedom.

The collective was formed in 2005 by people living in the areas surrounding the forest, with the objective of defending approximately 1,800 hectares from the devastation caused by real estate developers and the growth of the urban sprawl of the Guadalajara Metropolitan Area.

Empresa Desarrolladora Jarha, S.A.P.I. de C.V. is the promoter of this legal action to challenge the decision to close the investigation. Thus, the previous decision of the authorities to **not pursue the previous criminal action could be annulled**. That earlier case, **FED/JAL/GDL/0003860/2021**, was directed against the land human rights defenders **Héctor de Jesús Aguilar Farias, Velvet Elizabeth Ramírez Marchena, Laura Sofía Herrera Rivera, José Martín Preciado Ruvalcaba**, as well as the legal representatives and companions of the Committee, **Ana Elizabeth Cabral Pacheco and Juan Carlos Flores Solís**.

These acts of criminalization incur as a result of the **improper use of criminal law**, which according to the Inter-American Commission on Human Rights (IACHR), consists of *"the manipulation of the punitive power of the State by State and non-State actors with the aim of hindering their defense work and thus impeding the legitimate exercise of their right to*

*defend human rights*"<sup>1</sup>. This further judicial harassment sends a message of intimidation that seeks to disrupt their work and weakens the defense of the forest.

**Therefore, we urge the Federal Judiciary to:**

**Respect and guarantee at all times the right to due process, due diligence and legal security in favor of Héctor de Jesús Aguilar Farias, Velvet Elizabeth Ramírez Marchena, Laura Sofía Herrera Rivera, José Martín Preciado Ruvalcaba, Ana Elizabeth Cabral Pacheco and Juan Carlos Flores Solís.**

**Guarantee at all times the physical integrity, life and safety of the people who make up the Committee in Defense of El Nixticuil Forest, as well as their legal advisors.**

**Cease acts of judicial harassment in order to guarantee the work of free and legitimate defense of land and territory.**

**Sincerely**

**Committee in Defense of El Nixticuil Forest**

**National Network of Civil Human Rights Organizations  
"All Rights for All" (Todos los Derechos para Todas y Todos)**

**Center for Justice for Peace and Development A.C.**

**Front Line Defenders**

**SweFOR México**

**CSO Space** for the Protection of Human Rights Defenders and Journalists, formed by: ARTICLE 19 Mexico and Central America; Casa del Migrante Saltillo; Centro Mexicano de Derecho Ambiental (CEMDA); Centro de Derechos Humanos de la Montaña Tlachinollan; Centro de Derechos Humanos Zeferino Ladrillero (CDHZL); Centro Nacional de Comunicación Social (Cencos); Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH); Comunicación e Información de la Mujer A. C. (CIMAC); Consorcio Para el Diálogo Parlamentario y Equidad, Oaxaca A.C.; Instituto de Derecho

<sup>1</sup> IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc 66, December 31, 2011.

Ambiental A.C. (IDEA); Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todas y Todos" (RedTDT); and Servicios y Asesoría para la Paz (Serapaz). The CSO Space is accompanied by Peace Brigades International (PBI).

## ANNEX (Background)

After months of uncertainty about the legal status of the investigation, during which the human rights defenders were denied access to the file and were unable to exercise their rights, members of the Committee learned that the investigation file against them had been **formally closed on December 17, 2021**.

In June 2022, the Attorney General's Office (FGR) committed acts of harassment by establishing an investigation file against the human rights defenders, based on an alleged investigation by the federal authorities, during which a member of the Committee was illegally detained in their offices and interrogated about information from the collective. The human rights defender was also visited at his home where photographs were taken without any justification or prior official notification. These **acts of harassment** violate their rights to personal integrity, judicial protection and judicial guarantees.

The real estate developers Jarha S.A.P.I. DE CV and Construida SAPI. de C.V. have been publicly accused of contributing to deforestation with their project "Miralto Residencial" in the Bosque el Nixticuil. The construction is located near the polygon declared as a Natural Area of Hydrological Protection "Bosque el Nixticuil-San Esteban-El Diente", which was improperly catalogued in the Partial Plans of Urban Development of Zapopan as an urban reserve for high-density residential use.