

**OPEN LETTER – THE OBSERVATORY / IM-DEFENSORAS / FRONT LINE DEFENDERS / CIVICUS / NATIONAL NETWORK OF WOMEN HUMAN RIGHTS DEFENDERS IN MEXICO**

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**TO:**  
**Mr. Andrés Manuel López Obrador**  
President of the United Mexican States

**Dr. Adán Augusto**  
Interior Minister

**Ms. Evelyn Salgado Pineda**  
Constitutional Governor of the State of Guerrero

**Mr. Alfredo del Mazo**  
Constitutional Governor of the State of Mexico

**Mr. Alejandro Gertz Manero**  
Attorney General of the Republic

In Geneva-Paris, May 11, 2022

Warm greetings from the Observatory for the Protection of Human Rights Defenders (the Observatory), a joint program of the World Organization Against Torture (OMCT) and FIDH; the Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras); Front Line Defenders (FLD); CIVICUS; and the National Network of Women Human Rights Defenders in Mexico (“Red Nacional de Defensoras de Derechos Humanos en México, RNDDHM”).

On this occasion, the Observatory, IM-Defensoras, FLD, CIVICUS, and the National Network of Women Human Rights Defenders in Mexico address you to express our deep concern about the continued criminalization and arbitrary detention of **Ms. Kenia Inés Hernández Montalván**, as well as the discrimination based on her gender and her belonging to the indigenous Amuzga people in the legal proceedings against her.

The undersigned organizations have repeatedly called on the Mexican authorities to release Ms. Kenya Hernández and halt the legal proceedings against her, believing that her detention is part of a criminalization of social protest and human rights defenders in Guerrero and throughout Mexico<sup>1</sup>.

Kenia Hernández, an indigenous Amuzga woman and lawyer from Xochistlahuaca, Guerrero, advocates for women's rights, land rights, and indigenous rights. As coordinator of the Collective Libertarian “Zapata Vive”, co-founder and member of the Movement for the Freedom of Political Prisoners of the state of Guerrero (“Movimiento por la Libertad de los Presos Políticos del estado de Guerrero”, MOLPEG), Ms. Kenya Hernández accompanies survivors of male violence and relatives of victims of femicide, defends the rights of the unjustly imprisoned and of people affected by the activities of multinational extraction companies on Mexican territory. However, precisely because of her legitimate work in defense of human rights, Ms. Kenya Hernández has been held in solitary confinement in the maximum security prison in the state of Morelos since October 2020. To date, for bureaucratic reasons, she has been denied access to her legal representatives, as well as in-person participation in the hearings of the various legal cases pending against her, on the grounds that she is a maximum security prisoner. In addition, Ms. Kenya Hernández was denied the right to visit her relatives

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<sup>1</sup> IM-Defensoras Urgent Alert, February 10, 2022, available [here](#); FLD Urgent Alerts available [here](#); CIVICUS interview with Kenya Hernandez's attorney, **Antonio Lara Duque**, March 9, 2022, available [here](#).

on the grounds of COVID-19 prevention. As a result of all of these facts, Ms. Kenya Hernández went on hunger strike twice in May and October 2021 for two months, which exacerbated her state of vulnerability and risk.

The Observatory, IM-Defensoras, FLD, CIVICUS and the National Network of Women Human Rights Defenders in Mexico have followed with great dismay the criminalization processes that have been underway since June 2020 against Ms. Kenya Hernández for the alleged commission of "attacks on public roads as a gang" and "robbery with violence using a weapon" to the detriment of Caminos y Puentes Federales (CAPUFE) and Autovías Concesionaria Mexiquenses. Of the nine criminal cases against her, two are being tried at the local level, in the state of Mexico, and the other seven at the federal level, in the states of Guerrero, Guanajuato and Morelos. Ms. Kenya Hernández was sentenced to 11 years and 3 months and 10 years and six months in prison, respectively, in two of these cases. Both sentences are currently under appeal.

These criminalization processes, linked to multinational extraction companies, aim to punish and put an end to the legitimate work in defense of human rights of Ms. Kenya Hernández, especially her peaceful participation in demonstrations demanding the appearance with life of human rights lawyer [Arnulfo Cerón](#), the release of human rights defenders and members of the [Council of Ejidos and Communities Against the Dam of La Parota \(CECOP\)](#), and the protection of women victims of male violence in the Costa Chica region of Guerrero.

It should be noted that the status of Ms. Kenya Hernández as a human rights defender has been recognized both by the Mechanism for the Protection of Human Rights Defenders and Journalists, which she joined in 2019 due to death threats she received for her work, and by the National Human Rights Commission (CNDH), which has [repeatedly called for her right to due process to be respected](#).

The organizations signing this letter express their concern about the discrimination to which Ms. Kenya Hernández is subjected due to her status as an indigenous woman. Throughout the trial, the human rights defender repeatedly requested that she be provided with an interpreter for the Amuzgo language, which was denied by the judge in charge, who considered that translation was not necessary because she had studied and spoken Spanish, in violation of Article 2 of the Political Constitution of the United Mexican States. Also, Ms. Kenya Hernández's request to apply a gender perspective throughout the judicial proceedings was rejected by the judge on the grounds that this only applied to "submissive women" or women who had been victims of gender-based violence in the domestic environment.

Similarly, the arbitrary deprivation of liberty of Ms. Kenya Hernandez, as a mother and sole provider for her minor children, violates the United Nations Rules for the Treatment of Women Prisoners (the Bangkok Rules), specifically Rules 4, 26, and 64, which provide, that female prisoners be placed in detention facilities close to their homes, taking into account their care responsibilities; that they be allowed contact with their families, including their children, by all reasonable means; and that women with dependent children be given priority for non-custodial sentences.

The undersigned organizations note with concern the restrictions on the right to social protest and the misuse of criminal law against Ms. Kenya Hernández, and call on the Mexican authorities to take the necessary measures to end her arbitrary detention and the numerous criminalization proceedings against her.

The undersigned organizations also hope that the right to a fair and impartial trial, with a gender perspective and taking into account the cultural specificities of Ms. Kenya Hernández as an indigenous woman, will be guaranteed throughout the legal proceedings against her.

We thank you in advance for your attention and we are at your disposal for any further information.

Yours sincerely,

- World Organization against Torture, within the framework of the Observatory for the Protection of Human Rights Defenders
- FIDH, within the framework of the Observatory for the Protection of Human Rights Defenders
- CIVICUS
- Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras)
- Front Line Defenders (FLD)
- National Network of Women Human Rights Defenders in Mexico (“Red Nacional de Defensoras de Derechos Humanos en México”, RNDDHM)