



BY E-MAIL

Sr. Giovanni Sabino García Montelongo
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Delegación en Zapopan

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Amsterdam, 1 August 2022

Subject: Continued judicial harassment of lawyers Juan Carlos Flores Solís and Ana Elizabeth Cabral Pacheco

Dear Mr. García Montelongo,

Lawyers for Lawyers is an independent, non-political foundation that seeks to promote the proper functioning of the rule of law through the pursuit of freedom and independence of the legal profession. We support lawyers worldwide who face reprisals, improper interferences or unreasonable restrictions in the execution of their profession. Lawyers for Lawyers has held special consultative status with the Economic and Social Council of the United Nations since 2013.

Lawyers for Lawyers is concerned about the judicial harassment of lawyers Juan Carlos Flores Solís and Ana Elizabeth Cabral Pacheco. Both are working as lawyers of the Comité en Defensa del Bosque el Nixticuil – Committee in Defence of the Nixticuil Forest. In this capacity, they have collaborated in the filing of, different judicial amparos, like judicial reviews, against the construction of a planned subdivision in the Nixticuil forest, in a zone adjacent to a protected natural area, located northwest of the metropolitan area of Guadalajara, in the municipality of Zapopán, Jalisco.

Members of the Committee in Defense of the Nixticuil Forest were informed of the existence of investigations against them by personnel from the Office of the Attorney General of the Republic. They did not receive any additional information regarding the persons included in the investigations and the reasons for the complaint.

An official letter, which was later issued by the Attorney General's Office, made apparent that information was requested from the District Court in relation to the opening of the two investigation folders in relation to the amparo claim (FED/JAL/GDL0003860/ 2021 and FED/JAL/GDL/0001742/2022) against Mr. Flores Solís and Ms. Cabral Pacheco. The complaints were filed by a real estate company called JARHA, S.A. de C.V., one of the developers of the Miralto Residencial real estate project in the municipality of Zapopán, Jalisco. According to the information received, Mr. Floris Solis and Ms. Cabral Pacheco, were being accused of including false information regarding the address of the plaintiffs in the appeal.

It is concerning that both lawyers were not informed by the Mexican authorities about the complaint filed by the real estate company. They only became aware of the accusation against them by luck, after meeting one of their client's members. Only through monitoring the judicial reviews both lawyers were able to learn more details.

The investigation files have now been archived. However, this incident constitutes a kind of direct threat against the professional lives of Mr. Flores Solís and Ms. Cabral Pacheco. This is not the first time that Mr. Flores Solís has been the target of a criminalization and judicial harassment. Earlier incidents have led to Mr. Flores Solís being integrated as beneficiary of the Mecanismo de Protección de Personas Defensoras de Derechos Humanos y Periodistas – Mechanism for the Protection of Human Rights Defenders and Journalists.

Lawyers for Lawyers is concerned that the judicial harassment of both lawyers is aimed at curbing their legitimate activities as attorneys.

The above-mentioned incident should be seen in the context of the criminalisation of lawyers in Mexico, who defend the rights of the people and communities that defend the land, the territory and the environment through legal means.

In this regard, we would again like to draw your attention to the United Nations Basic Principles on the Role of Lawyers¹, and more specifically to articles 16 which states:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

In view of the above, Lawyers for Lawyers calls on the competent Mexican authorities to:

- ensure in all circumstances that Juan Carlos Flores Solís and Ana Elizabeth Cabral Pacheco can carry out their legitimate professional activities without threat, intimidation, hindrance, harassment, improper interference or reprisals.
- ensure that all lawyers in Mexico are able to practice law without threat, intimidation, hindrance, harassment, improper interference or reprisals.

We thank you for your attention to this important matter. We hope that the competent authorities in Mexico will give this case the attention it deserves. We will continue to monitor this situation closely.

Yours sincerely,

Lawyers for Lawyers

CC.

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¹ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly “welcomed” the Basic Principles in their ‘Human rights in the administration of justice’ resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.