Friday, November 29, 2019

Dear Minister Olga Sánchez Cordero and Governor Javier Corral Jurado

Re: Murder of five lawyers in Ciudad Juárez

Lawyers’ Rights Watch Canada (LRWC)\(^1\) is gravely concerned by reports of the assassinations of lawyers in Ciudad Juárez, Chihuahua and the failure of the Government of Mexico to prevent or punish such lethal attacks in accordance with Mexico’s international law obligations.

The reports referenced below indicate that since June 2019, five lawyers have been killed in Ciudad Juárez:

- Marco Gloria Ruvalcaba – killed on 3 October 2019\(^2\)
  - Shot to death (13 wound shots) outside of a Soriana supermarket – in Av. Independencia and Av. Zaragoza
  - It is believed that the murder is linked to his field of work, no concrete connection has been made in the investigation
- Mario Azael Zamora Garnica – killed on 16 September 2019\(^3\)

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1. LRWC is a committee of lawyers and other human rights defenders who promote international human rights, the rule of law and the integrity of legal systems around the world through advocacy, legal research and education. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.
Mr. Zamora was reported missing on September 12\textsuperscript{th}, found dead in the Highway Camino Real

The DA informed that the homicide is not linked to the legal work field

- Ernesto Ortega Martinez – killed on 25 July 2019\textsuperscript{4}
  - Colleagues claim his death is linked to the legal work field
  - His body was found in a clandestine pit in Colony Plazuela de Acuna
  - The body was burnt and exhumed

- Rogelio Martinez – killed on 20 June 2019\textsuperscript{5}
  - Shot and killed inside his home office, in the streets of Del Ejido, and Plutarco Elias Calles
  - His wife is the judge for Control District Judicial Bravos, Brisa Yadira Meraz Mendoza

- Luis Alejandro Puentes Gonzalez – killed on 6 June 2019\textsuperscript{6}
  - Killed in a mall’s parking lot, near Av. Ejercito Nacional and Tecnologico
  - The authorities avoided giving any detail of evidence

LRWC has not been able to confirm these reports There is no accessible information regarding murder investigations.

### International Law Obligations

As a member of the United Nations (UN) and the Organization of American States (OAS), Mexico has agreed to respect the rights to life guaranteed by the *Universal Declaration of Human Rights* (UDHR) and the *American Declaration on the Rights and Duties of Man* (ADRDM). As a State Party to the UN *International Covenant on Civil and Political Rights* (ICCPR)\textsuperscript{7} and the *American Convention on Human Rights* (ACHR),\textsuperscript{8} Mexico has accepted the twin legal obligations imposed by those treaties to protect the right to life of all persons within its territory and to prevent, punish and remedy violations. These twin duties are affirmed by the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to


The duty to conduct effective investigations that result in the identification and punishment of those responsible for violations is a key component of the State duty to protect the right to life. The State’s duty to investigate and prosecute serious human rights violations arises from the obligation to protect and guarantee the rights to judicial guarantees and judicial protection under Articles 1(1), 8, and 25 of the ACHR. The failure to fulfill these obligations results in impunity, defined as “the overall lack of investigation, tracking down, capture, prosecution and conviction of those responsible for those responsible for violating” ACHR-protected rights.

The UN Human Rights Committee has noted that impunity may be “an important contributing element in the recurrence of … violations,” and has emphasized that the State obligation to provide an effective remedy pursuant to Article 2(3) of the ICCPR may in appropriate cases require guarantees of non-repetition and changes in relevant laws and practices. The jurisprudence of the Inter-American Court of Human Rights (IACtHR) has a particular emphasis on non-repetition as a remedy directed to society as a whole, including legislative and other measures towards the transformation of cultures and institutions.

IACtHR has observed, “[w]hen the right to life is not respected, all the other rights lack meaning.” The duty to investigate is essential to protect the right to life, which is a non-derogable, jus cogens norm protected by “international and regional treaties, customary

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9 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Adopted at the 85th plenary meeting 9 December 1998 and adopted by the U.N. General Assembly 8 March 1999 A/RES/53/144. Article 9.5 specifically requires States to “conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred…”


international law, and by domestic legal systems globally.”

The “Basic Principles on the Role of Lawyers” (a consensus resolution of the UN General Assembly, codified in 1990) requires all States to guarantee the right of independence and safety of lawyers and protects them from interference by the State authorities and other actors. In the subsection of “Duties and Responsibilities” in the Basic Principles on the Role of Lawyers clearly states in the Articles;

12) Lawyers shall at all times maintain the honour and dignity of their profession as essential agents of the administration of justice;

16) Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; 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; and,

17) Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

LRWC requests that Mexico comply with its international law obligations and ensure the following measures:
1. Effective protective measures for each lawyer who may be at risk in the State of Chihuahua;
2. Investigations of extra-judicial killing of Mario Zamora, Ernesto Ortega, Luis Puentes, Rogelio Martinez, and Marco Ruvalcaba, that result in the identification of all suspects and the collection and preservation of evidence necessary for trials; and,
3. Prosecutions and trial to determine perpetrators and the appropriate punishments.

LRWC awaits your response. Thank you for your attention to our concerns.

Sincerely,

Gail Davidson, Executive Director, LRWC

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Copied to:

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