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# **DERECHOS HUMANOS Y LITIGIO ESTRATÉGICO MEXICANO**

Annual report 2019

**DERECHOS HUMANOS Y LITIGIO ESTRATÉGICO MEXICANO  
A MEXICAN NONPROFIT ORGANIZATION**

We demand accountability  
with a human rights perspective



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# **DERECHOS HUMANOS Y LITIGIO ESTRATÉGICO MEXICANO**

Annual report 2019

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Derechos Humanos y Litigio Estratégico Mexicano, A.C. (DLM)

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# **DERECHOS HUMANOS Y LITIGIO ESTRATÉGICO MEXICANO**

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## Prologue

2019 was a year of many challenges for the Mexican State and its citizens. Our country witnessed changes in federal and local public administration. The new integration of the House of Representatives and the Senate of Mexico (on a national level) began to have an effect on the daily lives of people and citizens.

The changes of perspective and ideology that characterize the political movement that governs Mexico in a majority position, brought a number of challenges to the rule of law and democracy, to the legality and legal security of citizens.

Given this scenario, in 2019 Derechos Humanos y Litigio Estratégico Mexicano, A.C. (hereinafter, "DLM"), focused on the respect for human rights and the strengthening of the rule of law, and acted as a bridge between civil society and the Mexican State, representing the collective expressions and demands.

In 2019, we became an active civil society stakeholder that encouraged the exchange of ideas among students, professors, anti-corruption and human rights specialists, as well as advocates and activists from Mexico, Spain and the United States.

Furthermore, as we will present in this 2019 Annual Report, we generated and promoted knowledge in the areas of accountability, transparency and corruption control for Mexico and Latin America, developing studies and reports, informing the general public about recent changes in our country and promoting the analysis of transcendental issues in international forums.

Before Mexican Courts -District Courts, Court of Appeals and the Supreme Court of Justice- we led to the creation of legal precedents regarding the independence of the judiciary and prosecution institutions, and we relentlessly debated the right of civil associations to challenge all acts coming from the State.



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We are convinced that constitutional impunity undermines the rule of law.

DLM, its associates, legal and administrative team have contributed with their work towards the visualization of facts of public life that citizens deserve to question with respect to our authorities, who at all times have an obligation to be responsive and to respect human rights.

This annual report is addressed to the groups we represent, our present and future donors, our collaborators, the national and international organizations with whom we worked in 2019 and all those who are interested in accountability, control of corruption and transparency in Mexico.

**Carlos G. Guerrero Orozco**

Chairman of the Board of Directors of DLM



## **I. Activities by strategic area**

In 2019, DLM's activities as a non-profit organization were mainly directed towards the promotion and defense of human rights.

On this basis, in the exercise of its institutional commitment, DLM developed activities to defend the right to a corruption-free environment, the right to a good public administration, the right to defend human rights and the right to have access to an effective mechanism of defense, in relation to the principles of legality and legal certainty.

This was verified in four strategic areas: (I.1.) independence of the judiciary and prosecutorial institutions; (I.2.) strengthening and support of civil society organizations, citizen groups and individuals; (I.3.) public procurement; and (I.4.) awareness of anti-corruption issues.

### **I.1. Judicial and prosecutorial independence.**

Citizens are entitled to have judges and prosecutors who exercise their function independently, away from any interference from political power or criminal organizations. In order to defend this right, in 2019 DLM submitted information requests to various authorities and initiated constitutional proceedings (amparo) described below:

#### **Anti-Corruption Prosecutor**

DLM filed an amparo proceeding against the appointment of the head of the Specialized Prosecutor's Office for Corruption Control, which is being processed by the Tenth District Court of Administrative Matters under case number 630/2019.

The trial questioned whether the Attorney General of the Republic and the Mexican Senate had failed to comply with the requirements and standards set forth in the law for the appointment of such a person. The trial is still ongoing and is in the stage of reviewing the judgement of dismissal issued in the first instance.

#### **Human Rights Prosecutor**

DLM filed an amparo proceeding against the appointment of the head of the Specialized Prosecutor's Office in Human Rights matters, a trial that is being processed by the First District Court in Administrative Matters under case number 1204/2019. In the trial, it was claimed that the Attorney General of Mexico did not comply with the requirements and standards for the appointment of said official. The trial is still ongoing and is in the stage of reviewing the dismissal judgment issued in the first instance.



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### Citizens' Advisory Board of the Attorney General's Office

DLM filed an amparo proceeding against the Senate and the Attorney General of the Republic for the failure to appoint the Citizens' Advisory Board of the Attorney General's Office, a body that supervises the actions of the head of the Attorney General's Office in the exercise of the powers of attorney in Mexico. The amparo case, which is being heard by the Tenth District Administrative Court in Mexico City under case number 1496/2019, is still ongoing.

Additionally, DLM sponsored several civil associations and human rights defenders in another lawsuit against the lack of integration of the aforementioned Citizens' Advisory Board. The amparo proceeding, which is being processed by the First District Administrative Court in Mexico City under case number 1617/2019, is still ongoing.

### President of the National Human Rights Commission

DLM filed an amparo proceeding against the Senate's leadership for the improper appointment of the head of the National Human Rights Commission. The aforementioned proceedings are being processed by the Sixteenth District Administrative Court in Mexico City, under case number 1688/2019. The trial is still in progress and is in the stage of reviewing the judgement of dismissal that was issued on the grounds that this type of act cannot be challenged.





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## Justice of the Supreme Court

DLM sponsored a civil organization in the filing of an amparo proceeding against the integration of the triad and subsequent appointment of a justice of the Supreme Court of Justice of the Nation. The lawsuit, in which the President of the Republic and the Mexican Senate were sued, is being processed at the Fifteenth District Court in Administrative Matters in Mexico City, under case number 1969/2019. The lawsuit is still in process and is in the revision stage of the judgement of dismissal that was issued on the grounds that this type of act cannot be challenged.

## JUDICIAL AND PROSECUTORIAL INDEPENDENCE

In 2019, in order to influence on the independence of judges and prosecutors in Mexico, DLM filed, sponsored and followed up on 6 amparo trials before District Courts, 14 appeals or means of defense before Appeal Courts, 1 petition to the Supreme Court to issue a resolution, as well as dozens of public information petitions before various authorities.



## **I.2. Strengthening and support of civil society organizations, citizen groups and individuals**

For the advocacy of human rights and the strengthening of the rule of law in Mexico, we are aware that it's required to strengthen other civil society organizations that, like DLM, seek the prevalence of fundamental rights in Mexico need to be strengthened.

Through advice, consulting and representation in trials, DLM has supported various civil organizations, technically and legally, so that they can achieve their objectives related to the defense of various human rights such as life, integrity, health, judicial autonomy, among other collective rights. The cases in which DLM has been involved are mentioned below:

### **Joint Mexico-United States Agreement on Migration matters**

DLM sponsored and followed up on an amparo trial filed by a Mexican civil organization against the Joint Agreement between Mexico and the United States on migration issues, in which it is disputed that various rights of persons on the move (migrants and asylum and refugee seekers) were violated. The amparo is being processed by the Eleventh District Administrative Court in Mexico City under case number 985/2019.

### **Attorney General of the State of Guanajuato, Mexico**

DLM filed an amicus brief (technical opinion) in an amparo proceeding against the appointment of the Attorney General of the State of Guanajuato, Mexico, to propose and offer elements of conviction to the Third District Court in the State of Guanajuato, regarding the fact that the plaintiffs in the referred trial, part of the citizen's group called "Fiscalía Que Sirva", had sufficient interest (legitimate interest) to question the challenged acts.



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## Real Estate Corruption

DLM has advised, supported and represented an elderly couple living in the Municipality of Huixquilucan, State of Mexico, whom, since 2018, have been involved in a lawsuit against the illegal demolition and subsequent construction begun on the neighboring property, for endangering their physical integrity, their right to sustainable urban development and a healthy environment. Despite obtaining the injunction of the construction work, the authorities of the municipality of Huixquilucan, State of Mexico, repeatedly violated the injunction granted in an amparo, allowing the developers to continue with the work. A criminal indictment was filed against the responsible public officials, which is still pending before the competent authorities.

## STRENGTHENING AND SUPPORT OF CIVIL SOCIETY ORGANIZATIONS, CITIZEN GROUPS AND INDIVIDUALS

In 2019, DLM promoted the strengthening of civil organizations, groups of citizens and individuals seeking justice before administrative authorities and courts of the Federation. As a result, DLM filed, sponsored and followed up on two amparo proceedings before district courts, one appeal before collegiate Courts, one criminal indictment and one amicus brief (technical opinion).



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### I.3. Public Procurement

The Mexican State, for the acquisition of any products or public goods, must comply with strict processes to ensure the best available conditions in terms of price, quality, financing and opportunity. This also implies a right of the citizens to have their officials administer public resources with efficiency, effectiveness, economy, transparency and honesty.

In order to defend this last right, in 2019 DLM made requests for information to authorities and initiated the lawsuit described below:

#### Purchase of tanker trucks for the transportation of gasoline

In 2019 DLM filed a lawsuit against the irregular participation of the Secretary of Public Administration of the federal government in the purchase of 500 tanker trucks of 60,000 liters for the standardization of gasoline distribution in Mexico, as well as the invasion of powers of that Secretary over various authorities and entities of the Mexican State. The nullity lawsuit, which is being processed by the Specialized Court for Online Lawsuits of the Federal Court of Administrative Justice under case number 19/778-24-01-01-04-0L, is still in progress and is under judicial review of the determinations in which the claim was dismissed because it was considered that these acts were not challengeable.



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## PUBLIC PROCUREMENT

In 2019, in order to influence the due attention, spending and exercise of public funds for the purchase of goods in the public domain, DLM presented and followed up on 1 trial of nullity before the Federal Court of Administrative Justice in Mexico, 2 appeals before Appeal Courts, as well as various requests of information before authorities of the Mexican State.

#### **I.4. Awareness of anti-corruption issues**

Another of DLM's activities is the creation of knowledge products that increase the awareness of the general public on specific topics of interest to us. In 2019, DLM, its associates and members published articles and studies on anti-corruption, transparency, judicial autonomy, public officials appointments, real estate corruption, among other topics shown below:

##### **Research**

"Report of good practices in the implementation of complaint channels in the private sector" (DLM by Carlos G. Guerrero Orozco):<sup>1</sup> Report on the efforts that should be carried out by the private initiative for the reception and follow-up of complaints of acts of corruption. The reference document is available in the link referred in this paragraph.

##### **Opinion articles and editorials**

Throughout 2019, DLM, its associates and members published opinion and editorial articles in CNN International, Nexos Magazine, Animal Político, Ruiz Healy Times, among other media and prestigious news platforms. Below are some of the most important ones:

"Housing construction in Mexico City, in crisis?" (Revista Nexos by Jaime Sierra Mendoza):<sup>2</sup> Article that narrates the situation of the real estate sector in Mexico City, in light of the administrative paralysis promoted by the administration of the head of government, Claudia Sheinbaum.



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"Omissions surrounding the appointment of the anti-corruption prosecutor" (Revista Nexos by Carlos G. Guerrero):<sup>3</sup> Article on the trial that DLM filed against the appointment of the Anti-Corruption Prosecutor of Mexico, which is about to be resolved by a District Court in Mexico City.

"The Future of the Attorney General of Mexico" (CNN International by Carlos G. Guerrero):<sup>4</sup> Article on the actions of the Attorney General of Mexico that motivated DLM's lawsuit (Anti-Corruption Prosecutor case).

#### AWARENESS OF ANTI-CORRUPTION ISSUES

In 2019, to encourage the creation of anti-corruption knowledge products, DLM published a report on complaint channels in the private sector, as well as several opinion and editorial articles to highlight the work that our organization does as part of its institutional commitment.



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## II. Alliances with academics and national & international organizations

To achieve our goals, DLM has established alliances and collaborations with academics, activists and national and international organizations, such as:

- Appleseed Mexico (Mexico City).
- Collective #FiscalíaQueSirva (Guanajuato, Mexico).
- Mexican Commission for the Defense and Promotion of Human Rights (Mexico City).
- Cyrus R. Vance Center for International Justice (New York).
- Transparency and Anti-Corruption Initiative of the School of Government and Public Transformation of the Tecnológico de Monterrey (Mexico City).
- Due Process of Law Foundation (Washington, D.C.).
- Foundation for Justice and the Democratic Rule of Law (Mexico City).
- Mexicans First (Mexico City).
- Open Society Justice Initiative (New York).
- TOJIL (Mexico City).

We are also members of the Pro Bono Mexico Network.





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### III. DLM. Authorized charitable organization and registered nonprofit organization

In 2019, DLM received authorization from the Mexican Tax Administration System (SAT) to receive tax-deductible donations. The authorization notice is No. 7000201201913286 dated November 15, 2019.

In addition, the application to become part of the Federal Register of Civil Society Organizations, administered by the Commission for the Promotion of the Activities of Civil Society Organizations, was recently granted. The unique registration number is DHL15091509E53.



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#### IV. Media and conference presence.

In 2019, DLM's work was recognized and highlighted by the media, national and international organizations. News portals such as The Economist, CNN International, Reforma, La Jornada, El Universal, reported DLM's trials, performances and studies. Some of them are quoted below:

##### International press

"AMLO uses his anti-corruption drive to gain power and scare critics" ([The Economist](#)).<sup>5</sup>

"El futuro del fiscal general de México" ([CNN Internacional](#)).<sup>6</sup>

##### National press

"New Anti-Corruption Prosecutor to Stand Trial" ([Reforma](#)).<sup>7</sup>

"Omissions surrounding the appointment of the Anti-Corruption Prosecutor" ([Revista Nexos](#)).<sup>8</sup>

"Amparo proceeding is filed against designation in CNDH" ([Reforma](#)).<sup>9</sup>

"CSOs seek protection for the Senate to appoint the FGR Citizens' Council" ([MVS Noticias](#)).<sup>10</sup>

"Appointment of Human Rights Prosecutor to be tried" ([Reforma](#)).<sup>11</sup>

"Housing construction in Mexico City, in crisis?" ([Revista Nexos](#)).<sup>12</sup>

"FGR must explain process for appointing anti-corruption prosecutor" ([La Jornada](#)).<sup>13</sup>

"Amparos against Rosario Piedra's appointment as head of the CNDH, rejected" ([Milenio - YouTube](#)).<sup>14</sup>

"Can the courts overturn Rosario Piedra's election to the CNDH?" ([Alto Nivel](#)).<sup>15</sup>

"Amparo admitted against the Senate for not appointing a Citizen's Council of FGR" ([Milenio](#)).<sup>16</sup>

"Judge admits amparo against appointment of FGR human rights prosecutor" ([El Universal](#)).<sup>17</sup>



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"Civil association challenges appointment of anti-corruption prosecutor" (MVS Noticias).<sup>18</sup>

"Judges dismiss 2 amparos against Rosario Piedra's appointment" (Aristegui Noticias).<sup>19</sup>

### Conferences

MEXICO CITY - "Seminar on Public Appointments" organized by Fundar's Public Appointments Observatory and Article 19.<sup>20</sup>

WASHINGTON, D.C. - "Challenges of the Prosecutor's Offices and the Role of International Law" organized by the Due Process of Law Foundation.<sup>21</sup>

WASHINGTON, D.C. - "Rule of Law in Mexico: Challenges and Opportunities in the Time of AMLO" organized by the Mexico Institute of the Woodrow Wilson Center.<sup>22</sup>



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## **V. Our team**

### **Board of Directors**

#### **Carlos G. Guerrero Orozco.**

He is co-founder and chairman of DLM. He has consulted for the Inter-American Development Bank in Washington, D.C. and for Transparency International in Madrid on anti-corruption issues, and has been a litigation attorney on administrative and constitutional matters in Mexico. He holds a law degree from the Escuela Libre de Derecho (Mexico City) and a master's degree in government and public administration from the Instituto Universitario de Investigación Ortega y Gasset (Madrid). Follow him on LinkedIn and Twitter.

LinkedIn: Carlos G. Guerrero Orozco

Twitter: @CarlosGuerrero0

#### **Jorge A. Cardoso Sánchez.**

He is co-founder and secretary of DLM. He has worked for the then Federal Court of Tax and Administrative Justice of Mexico (currently Federal Court of Administrative Justice), for Grupo Modelo and for specialized law firms in Mexico City. He holds a law degree from the Escuela Libre de Derecho and a master's degree constitutional procedural law from the Universidad Panamericana. He is the founder and managing partner of CS Abogados. Follow him on LinkedIn and Twitter.

LinkedIn: Jorge Cardoso Sanchez

Twitter: @Yorche89



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## **Clerks**

Jaime Sierra Mendoza  
Guillermo Kenny Cervera Soto  
Ana Karla Zúñiga Herrera

## **Interns**

Antonio de Jesús Espinoza Díaz  
Mauricio Luévanos Ayala  
Carlos Daniel Álvarez Escobedo  
Ricardo Troncoso León  
José Manuel Estrada Treviño

Under this section you will find the links to the articles, studies, and other internet pages that have been referred to in this report.

## **Research**

1. [http://dlmex.org/files/Estudio\\_de\\_buenas\\_practicas\\_en\\_materia\\_de\\_implementacio%CC%81n\\_de\\_canales\\_de\\_denuncias\\_en\\_el\\_sector\\_privado.pdf](http://dlmex.org/files/Estudio_de_buenas_practicas_en_materia_de_implementacio%CC%81n_de_canales_de_denuncias_en_el_sector_privado.pdf)

## **Opinion articles and editorials**

2. <https://anticorrupcion.nexos.com.mx/?p=1160>
3. <https://anticorrupcion.nexos.com.mx/?p=1454>
4. <https://cnnespanol.cnn.com/2020/01/13/el-futuro-del-fiscal-general-de-mexico/>

## **International press**

5. <https://www.economist.com/the-americas/2019/11/30/amlo-uses-his-anti-corruption-drive-to-gain-power-and-scare-critics>
6. <https://cnnespanol.cnn.com/2020/01/13/el-futuro-del-fiscal-general-de-mexico/>

## **National press**

7. <https://www.reforma.com/aplicaciones/articulo/default.aspx?id=1668796&sc=672>
8. <https://anticorrupcion.nexos.com.mx/?p=1454>
9. <https://www.reforma.com/tramitan-amparo-contradesignacion-en-cndh/ar1811971?v=2>
10. <https://mvsnoticias.com/noticias/seguridad-y-justicia/osc-buscan-amparo-para-que-senado-designe-al-consejo-ciudadano-de-fgr/>
11. [https://www.reforma.com/va-a-juicio-nombramiento-de-fiscal-de-dh/ar1755797?\\_\\_rval=1](https://www.reforma.com/va-a-juicio-nombramiento-de-fiscal-de-dh/ar1755797?__rval=1)
12. <https://anticorrupcion.nexos.com.mx/?p=1160>
13. <https://www.jornada.com.mx/2019/05/04/politica/004n3pol?partner=rss>
14. <https://www.youtube.com/watch?v=DarHk1CW4Uc>
15. <https://www.altonivel.com.mx/actualidad/tribunales-pueden-anular-la-eleccion-de-rosario-piedra-en-la-cndh/>
16. <https://www.milenio.com/policia/omision-consejo-ciudadano-fgr-admiten>
17. <https://www.eluniversal.com.mx/nacion/juez-admite-tramite-amparo-contranombramiento-de-fiscal-de-derechos-humanos-de-la-fgr>



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18. <https://mvsnoticias.com/noticias/seguridad-y-justicia/asociacion-civil-impugna-designacion-de-fiscal-anticorrupcion/>

19. <https://aristeginoticias.com/1411/mexico/desechan-jueces-federales-2-demandas-de-amparo-contradesignacion-de-rosario-piedra/>

### **Conferences**

20. <https://www.juridicas.unam.mx/actividades-academicas/2196-politica-publica-de-designaciones>

21. [dplf.org/es/event/evento-puede-america-latina-perseguir-eficazmente-crmenes-atroces-y-gran-corrupcion-desafios](https://dplf.org/es/event/evento-puede-america-latina-perseguir-eficazmente-crmenes-atroces-y-gran-corrupcion-desafios)

22. <https://www.wilsoncenter.org/event/rule-law-mexico-challenges-and-opportunities-the-time-amlo>



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Click on <http://dlmex.org/unete-y-ayuda> to find out how you can contribute to the fight against corruption in Mexico.

Your contribution to DLM, a nonprofit organization in Mexico that demands accountability with a human rights perspective, increases our capacities to promote integrity, control corruption in the public and private sectors in Mexico and to defend the violation of human rights by authorities.

[contacto@dlmex.org](mailto:contacto@dlmex.org)