

Inter-American Commission on Human Rights

ESTEFANIA MEDINA RUVALCABA AND LUZ ADRIANA MERCEDES GREAVES
MUÑOZ
(Petitioners)

Vs.

UNITED MEXICAN STATES
(State)

Petition P-1550-20

Written comments of

AMICUS CURIAE

Presented by

Global Civil Society Coalition for the UNCAC

DECEMBER 2025

Inter-American Commission on Human Rights:

The Global Civil Society Coalition for the UNCAC (Coalition for the UNCAC) , a global network of civil society organizations (CSOs) registered in Vienna, Austria, respectfully appears before the Inter-American Commission on Human Rights as *amicus curiae* in the present proceedings, in order to offer legal analysis that may be useful to support the admissibility and merits of Petition P-1550-20, which concerns the exclusion by judicial determination of civil society actors with legal recognition according to the local laws from participating as victims in a criminal investigation into alleged corruption case involving the defense of former Veracruz Governor Javier Duarte and the Mexican Attorney General's Office.

The Coalition for the UNCAC was founded in August 2006 and is a global network of more than 400 CSOs in over 120 countries committed to promoting the ratification, implementation, and monitoring of the United Nations Convention Against Corruption (UNCAC). The Coalition promotes civil society action in favor of the UNCAC at the international, regional, and national levels, and its mission is to strengthen integrity and reduce corruption by supporting and empowering civil society to collectively promote transparency, accountability, and good governance, and to advance the implementation and strengthening of legal frameworks resulting from international agreements, specifically the UNCAC.

The national and international non-governmental and civil society organizations that are part of the Coalition work on a wide range of issues related to advancing anti-corruption efforts, transparency, and accountability and human rights, as well as in policy areas linked to specific provisions of the UNCAC.

The participation of the Coalition for the UNCAC in this *amicus curiae* brief stems from its legitimate and well-founded interest in contributing to a legal interpretation that ensures the full effectiveness of the rights of civil society organizations to participate in criminal proceedings and to be granted legal standing in corruption cases, particularly where collective or diffuse interests and human rights are affected. The Coalition for the UNCAC expresses its gratitude to the Cyrus R. Vance Center for International Justice for its assistance in the preparation of this *amicus*.

The purpose of this brief is to support the admissibility of this petition, in light of the importance of this issue for the Inter-American Human Rights System, based on an international human rights framework, the request for recognition of the petitioners—through TOJIL—as victims in the criminal proceedings, and their ability to exercise all the rights conferred upon them by the General Victims Law and the National Code of Criminal Procedure.

Respectfully,

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16-12-2025



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Defined Terms

ACHR	American Convention on Human Rights
Collegiate Court	Seventh Collegiate Court in Criminal Matters in Mexico City
Constitution	Political Constitution of the United Mexican States
District Judge	Sixth District Judge in Criminal Matters in Mexico City
General Victims Law /GVL	General Victims Law
IACAC	Inter-American Convention Against Corruption
IACHR	Inter-American Commission on Human Rights
IACHR Report on Corruption and Human Rights	Inter-American Commission on Human Rights. Corruption and Human Rights: Inter-American Standards Report, 2019
IACtHR	Inter-American Court of Human Rights
Mexico / the State	United Mexican States
Mr. Duarte	Javier Duarte de Ochoa, former governor of the State of Veracruz
National Criminal Procedure Code / NCPC	National Criminal Procedure Code
OAS	Organization of American States
PGR	Attorney General's Office
Supreme Court	Supreme Court of Justice of the Nation
UNCAC	United Nations Anti-Corruption Convention
Coalition for the UNCAC	Global Civil Society for the UNCAC

I. Introduction

The Coalition for UNCAC respectfully submits this *amicus curiae* brief in the case of Petition P-1550-20 for the consideration of the Inter-American Commission on Human Rights.

The Coalition for the UNCAC is a global network of more than 400 civil society organizations in over 120 countries committed to promoting the ratification, implementation, and monitoring of the UNCAC. The Coalition for the UNCAC advances civil society action in support of the UNCAC at the international, regional, and national levels. TOJIL is an organization founded by Ms. Medina Ruvalcaba and Ms. Greaves Muñoz, has legal recognition under Mexican law, and is a member of the Coalition for the UNCAC.

This *amicus curiae* brief is submitted in the context of the human rights protection proceedings before the Inter-American Commission on Human Rights, in connection with Petition P-1550-20, which is of particular relevance as it concerns acts of State action affecting the human rights of Ms. Medina Ruvalcaba and Ms. Greaves Muñoz, who exercised various human rights in defense of the collective interests of Mexican society, particularly by seeking recognition as victims in a corruption case involving generalized harm to human rights committed by the former Governor of the State of Veracruz.

This *amicus curiae* brief provides legal reasoning that demonstrates the human rights violations suffered by Ms. Medina Ruvalcaba and Ms. Greaves. It is grounded in the fact that, at various levels, a proper interpretation of the Mexican legal framework was not carried out, including the Constitution, the General Victims Law, and the National Code of Criminal Procedure, in accordance with international legal frameworks such as the Inter-American Convention against Corruption, the United Nations Convention against Corruption, and the American Convention on Human Rights, which recognizes the legal standing of civil society organizations to participate as victims in cases affecting collective legal interests. Through a review of the normative framework, relevant standards, and the experiences of Mexico and the international community in combating corruption and defending human rights, the Coalition for the UNCAC seeks to assist the Commission in assessing Mexico's violation of its obligations under the American Convention on Human Rights and the request of Ms. Medina Ruvalcaba and Ms. Greaves to be recognized as victims in the underlying criminal proceedings.

Restrictive interpretations of this type of procedural provisions—that is, the participation of civil society as victims in corruption cases—are of particular relevance in a context in which corruption produces structural impacts that go beyond the State as the sole injured party and affect society as a whole, as well as in the alarming trend in which Mexico and several Latin American countries find themselves of restricting the legal standing of civil society organizations in the defense of human rights. For this reason, this *amicus curiae* brief maintains that the participation of individuals in the defense of human rights and in anti-corruption efforts through organizations such as TOJIL is not only part of the international obligations incorporated into domestic legislation, but that restricting such participation constitutes a violation of human rights recognized under the American Convention on Human Rights and other international treaties.

II. Statement of Interest of *amicus curiae*

The participation of the Coalition for the UNCAC is grounded in the work and mandate of its Working Group on Victims of Corruption, which seeks to facilitate debate, information exchange, and joint advocacy among civil society experts on the fundamental role played by civil society organizations, on the one hand, as whistleblowers of corrupt acts and, on the other, as key actors in raising awareness of victims' rights in criminal proceedings and in promoting reparation and compensation for the harm caused by corruption.¹

The Working Group on Victims of Corruption holds regular meetings, maintains an email discussion list, and has established an international database on legal frameworks and comparative practices worldwide concerning the recognition of victims of corruption and their active legal standing.² In addition, it promotes creative initiatives, such as short film competitions to highlight victims' experiences, and develops advocacy tools, including blogs, open letters, presentations at international conferences, and specialized publications. The Working Group also collaborates with other thematic bodies within the Coalition for the UNCAC to articulate a shared agenda that promotes effective mechanisms for participation and reparation. Through these actions, the Working Group on Victims of Corruption seeks to strengthen the legal and political recognition of victims as key actors in the fight against corruption.³

Finally, the Coalition for the UNCAC submits this brief as an independent and technical *amicus curiae*, without representing the particular interests of the parties to the proceedings, and for the sole purpose of providing the tribunal with elements from Mexican and international legal frameworks that may serve as guidance in the present case.

The Coalition for the UNCAC expresses its gratitude to the Cyrus R. Vance Center for International Justice for its invaluable legal support in the preparation of this brief.

¹ Global Civil Society Coalition for the UNCAC, Victims of Corruption Working Group, <https://uncaccoalition.org/victims-of-corruption-working-group/> (last visited October 7, 2025).

² Global Civil Society Coalition for the UNCAC, International Database on Corruption Damage Reparation and Legal Standing for Victims of Corruption, <https://uncaccoalition.org/get-involved/working-groups/victims-of-corruption-working-group/database-on-legal-standing/> (last visited October 7, 2025).

³ Global Civil Society Coalition for the UNCAC, Victims of Corruption Working Group, <https://uncaccoalition.org/victims-of-corruption-working-group/> (last visited October 7, 2025).

III. Executive Summary

Petition P-1550-20 against Mexico highlights how corrupt practices harm collective interests and calls for a broad interpretation of the Mexican legal framework that recognizes the legal standing of organizations to represent those interests by participating as victims in criminal proceedings. The petition demonstrates how the Mexican State committed multiple human rights violations against Estefanía Medina Ruvalcaba and Adriana Greaves Muñoz by denying the organization TOJIL procedural standing to participate as a victim in corruption cases involving Javier Duarte.

This amicus maintains that the Mexican legal framework, interpreted in accordance with the State's international obligations, required the inclusion of the petitioners—through the civil society organization TOJIL—as victims in corruption cases in which, as in the present matter, collective interests such as the right to proper public administration are at risk. Mexico's restrictive interpretation in denying TOJIL procedural standing entailed a violation of their human rights, including the right to judicial protection, the right to defend human rights, the right to political participation, the right to freedom of association, and the guarantee of prompt justice, in accordance with the American Convention on Human Rights.

The Coalition for the UNCAC respectfully urges the Commission to declare Petition P-1550-20 admissible and to determine that Mexico's restrictive interpretation in denying victim status to the petitioners through the organization TOJIL constituted a violation of the American Convention on Human Rights to the detriment of the human rights of its founders, at a time when civil society organizations are facing attacks throughout the region and globally.

IV. Background

A. Mr. Duarte's Plea Deal and Related Bribery Investigations

In 2016, the Attorney General's Office ("PGR") initiated an investigation into former governor of the State of Veracruz, Javier Duarte de Ochoa ("Mr. Duarte"), for embezzling over USD 35 million in public funds during his tenure.⁴

Following his apprehension in Guatemala and extradition to Mexico, Mr. Duarte faced prosecution for money laundering and organized crime, initially facing a potential penalty of up to 55 years of prison time.⁵

Mr. Duarte subsequently negotiated with the PGR, who reclassified the charges and reduced the maximum potential penalty to 25 years. These negotiations resulted in a guilty plea agreement via an abbreviated procedure, with a reduced sentence of 9 years of imprisonment and a minimum fine.⁶ A

⁴ TOJIL, Petition P-1550-20 with the IACtHR, p. 3.

⁵ TOJIL, Petition P-1550-20 with the IACtHR, p. 3.

⁶ See Javier Martín Reyes and Juan Jesús Garza Onofre, *Quiénes son las víctimas del pacto entre Javier Duarte y la Fiscalía?*, NEXOS (January 15, 2020), <https://eljuegodelacorte.nexos.com.mx/quienes-son-las-victimas-del-pacto-entre-javier-duarte-y-la-fiscalia/> (last visited October 9, 2025).

number of irregularities were reported surrounding this plea agreement and the reduced sentence, with Mr. Duarte himself claiming in interviews that, among other things, former president Enrique Peña Nieto provided money to Mr. Duarte, which Mr. Duarte was later forced to pay to various PGR officials, including the former Attorney General, Alberto Elías Beltrán.⁷

On October 1, 2018, TOJIL filed a criminal complaint against the public prosecutor overseeing Mr. Duarte’s case, alleging possible bribery by the defense to secure a plea agreement that contravened internal regulations mandating, among other requirements, consideration of harm reparation during sentence-reduction requests.⁸

TOJIL sought victim status under Article 108 of the National Criminal Procedure Code and Article 4 of the General Victims Law. Mexican law grants “victims” various legal rights, including formal cooperation with the prosecution, access to information during investigations and trials, and the right to be heard — a set of rights not available to those with only complainant status.⁹

On October 4, 2018, the PGR reported that it had opened an investigation file but requested the petitioners to submit proof of representation of TOJIL and specify the harm to their rights, interests, or legal assets caused by the alleged crimes.¹⁰

Citing its role as a human rights organization whose mandate focuses on combating corruption, TOJIL argued that it represented collective legal interests affected by corruption. Despite this, on October 15, 2018, the Federal Public Prosecutor recognized TOJIL only as a complainant, a decision affirmed by the Federal Supervisory Judge on December 20, 2018.¹¹

B. TOJIL’s *Amparo* Proceedings

On January 7, 2019, TOJIL filed an indirect *amparo* suit to challenge the denial of victim status. The Sixth District Judge in Criminal Matters in Mexico City (“District Judge”) granted a preliminary injunction, inhibiting the closure of the criminal investigation during the proceedings.¹²

On May 31, 2019, the District Judge ruled in favor of TOJIL, ordering the recognition of its victim status and granting it access to the investigation file.¹³ Among the most relevant considerations of the District Judge is the consistency of Mexican law with the international anti-corruption legal framework, on the basis of which the unequivocal conclusion is reached that the petitioners, through the civil society organization TOJIL, held the status of victims in the case at hand.

⁷ See Animal Político Content, *Duarte asegura que su detención fue pactada con el gobierno de EPN y ofrece información privilegiada a la FGR*, *Animal Político* (July 9, 2019), <https://www.animalpolitico.com/2019/07/javier-duarte-detencion-pactada-epn-informacion-fgr> (last visited October 10, 2025).

⁸ See Estefanía Medina and Adriana Greaves, *Caso Duarte: Ciudadanía vs. Opacidad y Corrupción*, NEXOS (October 23, 2018), <https://eljuegodelacorte.nexos.com.mx/caso-duarte-ciudadania-vs-opacidad-y-corrupcion/> (last visited October 9, 2025).

⁹ Constitution, article 20 C; National Criminal Procedure Code, article 108; General Victims Law, article 7.

¹⁰ TOJIL, Petition P-1550-20 with the IACHR, p. 6.

¹¹ TOJIL, Petition P-1550-20 with the IACHR, pp. 5–6.

¹² TOJIL, Petition P-1550-20 with the IACHR, p. 7.

¹³ TOJIL, Petition P-1550-20 with the IACHR, pp. 7–10.

The case was appealed by the Public Prosecutor in charge of the case and the PGR to the Seventh Collegiate Court in Criminal Matters in Mexico City (“Collegiate Court”). While TOJIL sought discretionary review by the Supreme Court of Justice of the Nation (“Supreme Court”), this request was denied on October 18, 2019.¹⁴

On January 16, 2020, the Collegiate Court reversed the decision, holding by a 2–1 majority that the petitioners, through the organization TOJIL, could be considered only as complainants but not as victims, which directly undermines the exercise of the procedural rights afforded to victims. The Collegiate Court asserted that neither international treaties nor the Political Constitution of the United Mexican States (“Constitution”) recognize a human right to live in an environment free from corruption, a concept relied upon by the District Court, and that the petitioners, through TOJIL, lacked victim status because no direct harm to their collective legal interests had been established. Nevertheless, the Collegiate Court ordered the prosecutor’s office to keep the complainant informed of the progress of the investigation.¹⁵

In her dissenting opinion, Magistrate López Benítez argued that TOJIL should have been recognized as a victim under Article 4 of the General Victims Law, being a social organization representing public interests—proper public administration—affected by crime. She argued for a dynamic interpretation of laws in line with progressiveness, the expanded scope of human rights following the major 2011 human rights reform in Mexico, and the legally protected interest in proper public administration.¹⁶

On January 24, 2020, TOJIL received the Collegiate Court’s ruling.¹⁷ As no further appeal was available, all internal remedies regarding victim status denial were exhausted.¹⁸

C. IACHR Petition

The petitioners, founders of TOJIL and who exercise their rights through the organization, filed Petition P-1550-20 (“Petition”) with the IACHR in their personal capacity, contesting the Collegiate Court’s restrictive interpretation which denied TOJIL victim status in violation of their human rights protected under the American Convention on Human Rights (“ACHR”).

On December 23, 2020, the Commission found insufficient elements in the Petition to determine a potential rights violation under the ACHR and rejected it.¹⁹ On October 25, 2023, following a request for reconsideration by the petitioners,²⁰ the Commission processed the Petition and

¹⁴ TOJIL, Petition P-1550-20 with the IACHR, pp. 10–11.

¹⁵ Seventh Collegiate Court in Criminal Matters of the First Circuit Ruling on Criminal Amparo Review 159/2019, at 91 (January 23, 2020), Committee on Judiciary Administration database, <https://www.oaj.gob.mx/micrositios/dggi/paginas/serviciosTramites.htm?pageName=servicios%2Fexpedientes.htm> (last visited October 10, 2025).

¹⁶ See Estefanía Medina and Adriana Greaves, *¿Existe un derecho a vivir en un ambiente libre de corrupción?*, NEXOS (January 21, 2020), https://eljuegodelacorte.nexos.com.mx/existe-un-derecho-a-vivir-en-un-ambiente-libre-de-corrupcion/#_ftnref2 (last visited October 8, 2025).

¹⁷ TOJIL, Petition P-1550-20 with the IACHR, p. 12.

¹⁸ IACHR Rules of Procedure, article 28.8.

¹⁹ IACHR letter of Petition P-1550-20, December 23, 2020.

²⁰ TOJIL, Request for reconsideration of Petition P-1550-20, January 22, 2021.

forwarded it to the Mexican State.²¹ On October 16, 2024, the State submitted comments on the admissibility of the Petition.²²

V. Legal Analysis

Before addressing the merits, it is important to clarify the procedural framing of this petition. One thing is the petitioners' actions within the Mexican domestic sphere, where they intervened through TOJIL as a civil society organization, in accordance with the legal rules and juridical fictions established under national law to channel collective interests and in the exercise of their right to association; and another distinct matter is the manner in which they appear before the Inter-American Human Rights System. In this forum, Estefanía Medina Ruvalcaba and Luz Adriana Mercedes Greaves appear in their capacity as natural persons, not as the "person TOJIL" as an autonomous legal entity regulated at the domestic level, given that the American Convention on Human Rights and the practice of the Inter-American Commission on Human Rights have defined the notion of a direct "victim" primarily around natural persons. The fact that their arguments frequently refer to TOJIL in the petition or request for reconsideration does not, for example, transform the petition into an action brought by the organization itself; rather, it describes the organizational framework through which the petitioners exercised their own human rights at the domestic level.

Consistent with this distinction, this *amicus curiae* brief proposes a layered analysis. Section A, for example, clarifies that the petitioners are exercising human rights in their capacity as natural persons; it also explains how the violations of their rights as individuals—particularly their rights to association, to defend rights, and to participate in public affairs—are closely connected to the civil society organization they created and that was recognized by the Mexican State.

The subsequent sections provide a more detailed discussion of how, in Mexico, the petitioners acted collectively through TOJIL, representing collective legal interests and exercising rights recognized under domestic law—such as the right to be recognized as victims in criminal corruption proceedings—and how the refusal to recognize it as a victim in the domestic criminal process ultimately resulted in concrete and direct violations of their individual rights. This second framing is developed in the following sections:

- Section B examines how corruption harms collective legal interests, including by weakening the proper functioning of public administration and negatively affecting the enjoyment of a wide range of human rights.
- Section C analyzes the increasing recognition in the international legal framework that the right to participate in criminal proceedings related to corruption must be interpreted broadly, beyond public or governmental institutions, with a clear legal definition regarding the objective and purpose of becoming an anti-corruption advocate in criminal proceedings.

²¹ IACHR letter of Petition P-1550-20, October 25, 2023.

²² Answer of the Mexican State within admissibility proceedings of Petition P-1550-20, October 16, 2024.

- Section D explains that Mexico's own legal framework adopts a broad definition of "victim" in criminal proceedings and grants victims a wide range of rights and powers.
- Section E demonstrates that TOJIL met the requirements to be considered a victim whose rights were affected by the possible corruption within Mexico's public administration.
- Section F analyzes the human rights of the petitioners that were violated as a result of Mexico's definitive refusal to grant TOJIL victim status, including the right to judicial protection, the right to defend human rights, the right to political participation, the right to freedom of association, and the guarantee of a reasonable time.

A. The central issue of this petition is the violation of the human rights of the petitioners, Estefanía Medina Ruvalcaba and Luz Adriana Mercedes Greaves, as natural persons

This case concerns violations of the human rights of two natural persons who appear before the IACtHR in their own right. To address it properly, it is essential to contextualize that several of their actions at the domestic level were carried out through TOJIL. This reference does not seek to transfer ownership of the claim to the organization nor to confer victim status upon it before the Inter-American System. Its mention serves a purely explanatory purpose: to show that the collective dimension was the legal and institutional mechanism provided by the State itself for the petitioners to exercise their individual rights to participation, association, and the defense of human rights. In other words, TOJIL is not the subject of the violation, but rather the *vehicle* through which the petitioners exercised the rights whose impairment is alleged before the Commission.

In that same sense, TOJIL constitutes the legal fiction through which Estefanía Medina Ruvalcaba and Luz Adriana Mercedes Greaves collectively exercised, at the domestic level, human rights that the American Convention on Human Rights protects in their individual and associative dimensions. The organization is, in this regard, the legal instrument they chose to exercise their political rights—such as their right to association, their right to defend human rights, their right to judicial protection, and their right to participate in public affairs—in order to do so effectively in the face of complex and structural problems such as corruption.

Failing to recognize the symbiosis and functional unity between the natural person and her human rights, and the civil society organization she creates and uses to act in the public sphere, not only reflects a reductionist understanding of human rights and of the principle of integrity recognized in international treaties, but also contradicts the constitutional and conventional framework, which explicitly acknowledges that human rights can—and, in some cases, must—be exercised collectively to address problems that exceed individual capacity. The petitioners' actions through TOJIL do not dilute their status as natural persons holding human rights; rather, they strengthen and reaffirm it. Questioning the petition on the grounds that their domestic actions were carried out through TOJIL is equivalent to stripping their rights of content, fragmenting their capacity for impact, and—under concrete conditions—exposing them, within a regional context of violence and impunity, to unjustifiable risks.

Building on this premise, this section explains why this case concerns the human rights of the petitioners and why TOJIL is nothing more than the institutional and organizational expression of

the petitioners' human rights as natural persons. Its exclusion or neutralization in a criminal proceeding involving systemic corruption by the State constitutes, in reality, an undue and direct restriction of the individual human rights of the persons who make up the organization.

1. TOJIL's actions as an expression of the direct exercise of the right to defend human rights

As noted, this petition was filed by the petitioners in their personal capacity. It is important to emphasize, however, that their domestic actions took place while they were exercising their rights through the civil society organization TOJIL. Far from diluting the individual character of their rights, this organizational choice is the concrete way in which the petitioners decided to exercise their human rights—specifically, their right to defend human rights. The creation of TOJIL is nothing more than the platform or legal fiction through which Estefanía Medina and Luz Adriana Greaves exercise their human rights recognized under the American Convention on Human Rights (ACHR). This fiction has been legally recognized and constituted since April 18, 2017²³, by the Mexican State, which has established laws and regulations for the creation of civil organizations with lawful objectives, such as in this case. Below, several important elements are explained to understand this symbiosis.

Article 23.1(a) of the ACHR recognizes that citizens may participate in public affairs “directly or through freely chosen representatives.”²⁴ Article 16.1 establishes the right to freely associate for ideological, political, economic, labor, social, cultural, sports, or other purposes.²⁵ Inter-American jurisprudence has interpreted this right broadly. For example, in *Huilca Tecse v. Peru* (March 2005), the Inter-American Court of Human Rights held that freedom of association constitutes a means through which the members of a group or collectivity may jointly pursue and benefit from certain aims. Thus, the freedom to associate—a human right held by individuals—and the pursuit of collective objectives are indivisible. Any restriction on the ability to associate directly and equally limits the collective’s ability to achieve its purposes. Consequently, both the individual and social dimensions of freedom of association must be guaranteed simultaneously.²⁶

In this sense, by creating and using TOJIL as a platform for activism—denouncing a systemic corruption scheme within the Mexican justice system and seeking to participate in the criminal

²³ Indirect Criminal Amparo Proceeding 22/2019, Sixth District Court for Amparo and Criminal Matters in Mexico City, May 31, 2019, available at: <https://victimasdecorrupcion.tojil.org/en/wp-content/uploads/2024/07/8-sentencia-amparo.pdf>.

²⁴ American Convention on Human Rights, *Article 23. Political Rights*

1. Every citizen shall enjoy the following rights and opportunities:

a) To take part in the conduct of public affairs, directly or through freely chosen representatives.

Available at: https://www.oas.org/dil/esp/1969_Convenci%C3%B3n_Americana_sobre_Derechos_Humanos.pdf

²⁵ Article 16. Freedom of Association

1. Everyone has the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or other purposes.

2. The exercise of this right may be subject only to such restrictions as are prescribed by law and are necessary in a democratic society, in the interest of national security, public safety or public order, or to protect public health or morals or the rights and freedoms of others.

3. The provisions of this article shall not bar the imposition of legal restrictions—and even the deprivation of the right of association—or members of the armed forces and the police.

²⁶ Judgment in *Huilca Tecse v. Peru*, Merits, Reparations, and Costs, Inter-American Court of Human Rights, Series C No. 121 (March 3, 2005), paras. 70–72. Available at: https://www.corteidh.or.cr/docs/casos/articulos/seriec_121_esp.pdf.

proceedings as victims under domestic legislation—the petitioners directly exercised their political rights, including their right to association, their right to participate in public affairs, their right to judicial protection, and their right to defend human rights.

The right to defend human rights is particularly relevant for understanding the symbiosis between their claims as natural persons and their exercise of rights through a civil society organization, as explained below. To clarify the scope of the right to defend human rights, the IACtHR issued its thematic report *Criminalization of Human Rights Defenders* in December 2015. In this report, the Commission recognized the essential role of human rights defenders in exercising necessary public oversight over public officials and democratic institutions, characterizing them as “an irreplaceable pillar for building a strong and lasting democratic society.” When a person is prevented from defending human rights, such interference constitutes a direct harm to society at large.²⁷

The IACtHR also acknowledged the importance of the work of human rights defenders at both the national and international levels, noting that this right has been recognized internationally. It further explained that the right to defend rights was first recognized within the universal human rights system through the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (hereinafter, the “Declaration on Human Rights Defenders”), adopted by the United Nations General Assembly in Resolution A/RES/53/144.²⁸

The wording and content of this Declaration are critical, as they articulate rights through both their individual and collective dimensions. For example, Article 5 states that “[f]or the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels [...] to form, join, and participate in non-governmental organizations, associations, or groups.”²⁹

Article 7 establishes that “[e]veryone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance”³⁰, Article 8 further provides that “[e]veryone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.”³¹

²⁷ Paragraph 22 of the report *Criminalization of the Work of Human Rights Defenders*, OEA/Ser.L/V/II. Doc. 49/15, Inter-American Commission on Human Rights (December 31, 2015), available at: <https://www.oas.org/es/cidh/informes/pdfs/criminalizacion2016.pdf>.

²⁸ United Nations General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, Resolution A/RES/53/144 (8 March 1999), available at: <https://docs.un.org/es/A/RES/53/144>.

²⁹ Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

a) To meet or assemble peacefully;
b) To form, join, or participate in non-governmental organizations, associations, or groups;
c) To communicate with non-governmental and intergovernmental organizations.

³⁰ Article 7

Everyone has the right, individually and in association with others, to develop and discuss new ideas and principles related to human rights and to advocate their acceptance.

³¹ Article 8

(continued...)

Article 9(2) additionally establishes that any person whose rights or freedoms are allegedly violated has the right—either individually or through a legally authorized representative—to file a complaint before an independent, impartial, and competent judicial authority or any other authority established by law, and to have that complaint promptly reviewed in a public hearing. Likewise, Article 9(3) provides that, for the same purposes, everyone has the right, individually and in association with others, to denounce the policies and actions of public officials and government bodies relating to human rights violations, through petitions or other appropriate means before judicial, administrative, or legislative authorities, or any other competent authority provided for in the State's legal system, which must issue a decision on the complaint without undue delay.³²

Article 17 also provides that “[i]n the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”³³

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.
2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

³² Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.
2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.
3. To the same end, everyone has the right, individually and in association with others, *inter alia* :
 - a. To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;
 - b. To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;
 - c. To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.
4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.
5. The State shall 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 in any territory under its jurisdiction.

³³ Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international
(continued...)

Additionally, Article 18(2) states that “[i]ndividuals, groups, institutions and non-governmental organizations have an important role and responsibility in safeguarding democracy, promoting human rights and fundamental freedoms, and contributing to the promotion and advancement of democratic societies, institutions and processes.”³⁴ Finally, as a residual safeguard, the Declaration includes an interpretative clause emphasizing that “[n]othing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms recognized in the present Declaration.”³⁵

In sum, the cited provisions support the reasonableness of the following premises: 1) the right to defend human rights may be exercised individually or collectively, without distinction; 2) some collective expressions take the form of civil associations composed of natural persons exercising their human rights; 3) collective-action mechanisms such as civil society organizations are legitimate and protected vehicles for the individual exercise of defending rights; 4) limiting collective action inevitably amounts to limiting the exercise of an individual right; 5) States may not restrict or suppress these collective forms of participation except under the strict standards set by the Declaration—standards that are not met in this case; and 6) it follows that limiting the scope of a civil society organization weakens the protective function it provides to the individual rights of the natural persons who comprise it.

Therefore, this normative framework reinforces that the collective defense against corruption undertaken by the petitioners through TOJIL, in their capacity as human rights defenders, is not only legitimate but is protected under international law, and that the actions of the Mexican State constitute a restriction incompatible with the international obligations accepted by the State.

In addition to these rights recognized under the Universal Human Rights System, the Inter-American System has adopted parallel protections. In Resolution 1671 of June 7, 1999, the General Assembly of the Organization of American States, taking into account the principles established in the Declaration on Human Rights Defenders, urged member States “to persist in their efforts to provide Human Rights Defenders with the necessary guarantees and facilities to continue freely

obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

³⁴ Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

³⁵ Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

carrying out their work of promoting and protecting human rights, at the national and regional levels, in accordance with internationally recognized principles and agreements.”³⁶

Another illustration of the symbiosis between civil society organizations and the exercise of fundamental rights was provided by the IACHR in the same report, when it emphasized the importance of oversight concerning the financing of civil society organizations. The Commission recommended that OAS Member States: “[e]xercise their supervisory and oversight functions regarding foreign funding sources for organizations and for human rights defenders within the framework of legality and, in the interest of transparency, eliminate any undue or arbitrary restriction on funding sources, for example under the pretext of ‘combatting foreign interference’ or ‘protecting national interests.’”³⁷

To justify this recommendation, the IACHR cited, in footnote 474, the Annual Report titled “*Violations of the Right to Funding: From Harassment to Criminalization, 2013*”³⁸ issued by the Observatory for the Protection of Human Rights Defenders.³⁹ In its first chapter, this report recognized that access to funding by civil society organizations is an essential component of freedom of association and, therefore, of the right to defend human rights. This conclusion is based on an interpretation of Article 22 of the International Covenant on Civil and Political Rights (hereinafter ICCPR) and other universal and regional instruments. The report affirms that freedom of association protects not only the right to create an NGO but also to carry out all its statutory activities, including seeking, receiving, and using resources without undue interference. The chapter also draws upon the Declaration on Human Rights Defenders and reports from UN Special Rapporteurs emphasizing that NGOs must be able to access public and private funds, domestic and foreign, and that States may not use taxation, administrative controls, or security rhetoric (terrorism, money laundering) to punish or silence their work. The report concludes that States have a dual obligation: a negative obligation not to impose arbitrary restrictions (caps on foreign funding, prior authorizations, freezing of accounts, punitive tax regimes), and a positive obligation to create legal, institutional, and fiscal frameworks that enable NGOs’ work; any limitation must strictly satisfy the test under Article 22(2) of the ICCPR and may not impair the essence of freedom of association.

From this same premise, it follows that the IACHR has understood that arbitrarily or disproportionately restricting the funding sources of an organization—a legal fiction—constitutes, in its material effects, a violation of the freedom of association and the right to defend human rights of the natural persons who comprise it.

Therefore, a fortiori, restricting an organization’s participation in corruption cases—preventing it from acting as a victim, submitting evidence, or challenging decisions—must likewise be considered

³⁶ Translation by the authors from the original Spanish, OAS General Assembly, AG/RES. 1671 (XXIX-O/99), *Human Rights Defenders in the Americas: Support for the Work of Individuals, Groups, and Organizations of Civil Society to Promote and Protect Human Rights in the Americas*, June 7, 1999. <https://www.oas.org/juridico/english/ga-res99/cres1671.htm>.

³⁷ *Criminalization of the Work of Human Rights Defenders*, Inter-American Commission on Human Rights, available at: <https://www.oas.org/es/cidh/informes/pdfs/criminalizacion2016.pdf>, page 158.

³⁸ Translation by the authors from the original Spanish, paragraph 17, footnote 474 of the report *Criminalization of the Work of Human Rights Defenders*, Inter-American Commission on Human Rights, available at: <https://www.oas.org/es/cidh/informes/pdfs/criminalizacion2016.pdf>.

³⁹ Translation by the authors from the original Spanish, OMCT / FIDH, *Violations of the Right of NGOs to Funding: From Harassment to Criminalization, Annual Report 2013*, available at: https://www.omct.org/files/2013/02/22162/obs_informe_anual_2013_esp_web.pdf.

an undue restriction of those same rights. In both scenarios, the State does not directly target or restrict the natural persons; rather, it introduces “indirect” obstacles (affecting funding or procedural participation in a criminal case) that empty the organization’s function as a vehicle for the collective exercise of the rights of natural persons. Just as an NGO deprived of resources cannot fulfill its mandate—and thus its members’ freedom of association is frustrated—an anti-corruption organization denied any possibility of intervening in a criminal proceeding has its very purpose neutralized, directly undermining the freedom of association and the right to defend human rights of those who founded and act through it.

Consequently, in light of the IACtHR’s own jurisprudence and practice regarding NGO financing, the Commission is well positioned to affirm a coherent principle: restrictions that deprive a civil society organization of its essential functions—whether through financial strangulation or through exclusion from the institutional spaces in which it must carry out its mandate—are incompatible with Article 16 of the ACHR and with the right to defend human rights. In this case, preventing TOJIL from participating as a victim in a criminal proceeding concerning systemic corruption is not a mere neutral procedural decision; it is a structural restriction on organized collective action against corruption, protected by the human rights of the natural persons who make up and act through the organization.

2. Civil society organizations as the collective projection of individual rights: the bridge between freedom of association and political participation

The fact that the petitioners acted domestically through TOJIL does not transform the harm they suffered into a merely “institutional” or abstract problem unrelated to the protection of the human rights of concrete individuals. When the Inter-American Court of Human Rights has emphasized that the right to freedom of association includes the right to associate freely for purposes “of any [...] kind,” it has underscored that the freedom to associate and the pursuit of collective aims are indivisible; thus, a restriction on the ability to associate directly and equally constitutes a restriction on the right to associate.⁴⁰ The Court has also “established that States have the duty to facilitate the means necessary for human rights defenders to freely carry out their activities; to protect them when they face threats in order to prevent attacks on their life and integrity; to refrain from imposing obstacles that hinder their work; and to conduct serious and effective investigations into violations committed against them, combating impunity.”⁴¹

Denying the petitioners the exercise of their human rights through their activities within TOJIL amounts, in practice, to preventing the petitioners from exercising their individual rights to associate for the defense of human rights and to participate in public debate and democratic oversight of public affairs. If the State can neutralize an organization created to participate in public matters, it directly affects the individual dimension of the rights of those who founded it and act through it. This is without even mentioning the heightened level of protection that States and the Inter-American Human Rights System should provide in cases of human rights violations with systemic effects, such as corruption, so that individual citizens’ wills—organized as an “orchestra”—are

⁴⁰ Translation by the authors from the original Spanish, Judgment in *Huilca Tecse v. Peru*, Merits, Reparations, and Costs, Inter-American Court of Human Rights, Series C No. 121 (March 3, 2005), available at: https://www.corteidh.or.cr/docs/casos/articulos/seriec_121_esp.pdf

⁴¹ Translation by the authors from the original Spanish, Judgment in *Kawas Fernández v. Honduras*, Judgment of April 3, 2009, Inter-American Court of Human Rights, para. 145 (original version available only in Spanish), available at: https://www.corteidh.or.cr/docs/casos/articulos/seriec_196_esp.pdf.

enabled to deploy collective and structural efforts to seek to combat it. Failing to recognize this circumstance of collective action composed of individual wills and individual human rights, in the face of a structural violation, would amount to condemning citizens to act only individually in response to a complex problem, thereby diluting the transformative potential of collective action.

3. The criminal anti-corruption complaint as a specific form of political participation protected by the ACHR

The criminal complaint for corruption filed by the petitioners, through the civil society organization, and their request to be recognized as victims in the criminal proceedings related to the Duarte case were not isolated technical acts, but rather a qualified form of political participation and human rights defense by the petitioners. Acting through the civil society organization, the petitioners sought precisely to influence the functioning of the criminal justice system in response to an emblematic case of corruption that undermined public trust and the integrity of the system. To the extent that corruption in the administration of justice weakens the rule of law and democracy from within the State itself, citizen intervention to denounce such corruption and demand an effective investigation forms part of the core content of the right to participate in public affairs: namely, contributing to ensuring that public authorities act in accordance with the Constitution, the law, and Inter-American standards. Accordingly, when the State denies the petitioners victim status and excludes them from procedural spaces designed to defend the public interest and demand accountability, it unduly restricts the exercise of the petitioners' human rights in their individual capacity.

4. From organizational fiction to the reality of victims: it is their human rights that are being emptied of content

From the Inter-American perspective, the Commission may only recognize natural persons as direct victims. This case concerns natural persons exercising their human rights; and while it is true that, at the domestic level, the petitioners chose to channel their actions through a civil society organization like TOJIL to represent collective legal interests in the criminal proceedings, TOJIL is—by legislative design—the *vehicle* through which they are able to exercise their rights to participation, to defend human rights, and to access justice in the face of corruption. When the State denies victim status to the petitioners and, by doing so, closes access to the case file, prevents the submission of evidence, and blocks their ability to challenge prosecutorial decisions, what it is actually doing is stripping the petitioners' individual rights of their substance: their right to associate for the purpose of defending rights (art. 16), their right to participate in public affairs (art. 23), their right to judicial protection (art. 25), and their right to defend human rights. The legal “fiction” through which domestic law requires that collective interests be channeled via an organization cannot be used to separate natural persons from their rights; on the contrary, it requires the Commission to look through the legal personality of the civil organization and to recognize that the restriction imposed on it ultimately falls upon the petitioners themselves as natural persons and as holders of those rights.

5. Acting in concert as protection of personal integrity in the exercise of the right to defend human rights and to engage in anti-corruption efforts in a context of violence

Denying the petitioners the ability to exercise their human rights through a civil society organization entails expelling them from the collective legal fiction that makes a structural response to corruption possible. The legal personality of an organization like TOJIL is not an empty formality: it is the instrument that allows multiple individuals to unite in confronting a systemic phenomenon that, by definition, no single person can combat alone. Ignoring this reality amounts to dismantling the only institutional avenue that enables safe, organized, and effective participation in high-risk public affairs.

An interpretation that forces the petitioners to act solely in their individual capacity not only ignores the collective nature of the interests at stake, but also exposes them to serious personal risks in a regional context marked by violence, impunity, and systematic attacks against those who denounce corruption.⁴² In Latin America—where some of the highest global rates of aggression, harassment, criminalization, and even killings of human rights and anti-corruption defenders are recorded—requiring an individual to confront political, economic, and criminal power networks alone is not a neutral legal option: it is an invitation to silence imposed by fear or death.⁴³

This is why freedom of association and the ability to exercise political rights through civil society organizations is not merely a formal guarantee: it is an essential mechanism of self-protection. Collective action dilutes individual risk, distributes burdens, enables technical and media support, creates networks of solidarity, and, above all, reduces vulnerability to retaliation. Forcing the petitioners to forgo collective action is to deliberately isolate them before a “many-headed” problem whose complexity, scale, and danger render any individual attempt at reporting it not only unviable but unsafe.

The opposite interpretation—advanced by the Mexican State—would atomize citizens, deprive them of tools for democratic participation, and leave them defenseless before a machinery that operates to guarantee impunity for those in power. In practice, such a reading not only suppresses efforts to combat corruption but also places the petitioners in a situation of extreme vulnerability within an environment that has historically sought to silence dissenting voices, often by depriving them of their liberty, physical integrity, or even their lives.

Therefore, recognizing that the petitioners exercise their rights through TOJIL is not only consistent with the text and spirit of the American Convention on Human Rights—it is indispensable for those rights to have even minimal real-world effectiveness in a context where defending legality and the public interest demonstrably carries mortal risk when done alone. Denying this collective avenue would be equivalent to preventing the very exercise of the rights and purposes that the ACHR seeks to protect.

Nor can it be overlooked that the Mexican State itself—through its legislation and institutional design—has created and enabled civil society organizations as legitimate vehicles for translating and projecting individual human rights into the public sphere. The General Law on Victims, the 2011 constitutional reform, and the recognition of *interés legítimo* (legitimate interest) in amparo

⁴² Global Civil Society Coalition for the UNCAC, *Urgent Challenges and Opportunities in the Protection of Whistleblowers and Other Reporting Persons in Latin America* (March 17, 2025), available at: <https://uncaccoalition.org/urgent-challenges-and-opportunities-in-the-protection-of-whistleblowers-and-other-reporting-persons-in-latin-america/>

⁴³ See, for example, the judgment in Viteri Ungaretti et al. v. Ecuador, Merits, Reparations and Costs, Inter-American Court of Human Rights, Series C No. 510 (November 27, 2023), available at: https://www.corteidh.or.cr/docs/casos/articulos/seriec_510_esp.pdf

proceedings were not rhetorical gestures: they were legal structures deliberately designed to allow individuals to fully exercise their rights through collective forms of organization. These normative frameworks are grounded in a fundamental premise: human rights do not possess only an individual dimension; they also have a collective, expansive, and associative dimension that requires organizations like TOJIL in order to acquire real effectiveness.

Ignoring this architecture—and artificially separating TOJIL’s actions from the individual rights of its founders, which they exercise through that organization—means disregarding the fact that human rights organizations are the organized sum of individuals collectively exercising their freedoms and rights. To pretend that TOJIL and the petitioners are fully disconnected entities is to misunderstand the very essence of freedom of association protected under Article 16 of the ACHR: the ability of individuals to join efforts, amplify their voices, and participate in public affairs through collective structures lawfully created.⁴⁴

A contrary interpretation reflects a misunderstanding of the interdependent nature of human rights and renders illusory the human-rights legal model that for decades has recognized both individual action and collective action as valid and complementary expressions of the full exercise of rights.

6. Effectiveness of rights: the State cannot do indirectly what it is prohibited from doing directly

Accepting the Mexican State’s argument would imply that political rights, freedom of association, and the right to defend human rights could be neutralized indirectly: individuals are not expressly forbidden from speaking or participating, but the only channel through which, under domestic law, they can effectively do so in a criminal corruption proceeding—acting collectively through a civil organization—is emptied of content. This is incompatible with the obligation to respect human rights (Arts. 1.1 and 2 of the ACHR): States must not only refrain from directly restricting rights, but must also organize their entire legal and practical apparatus so that these rights can be exercised in real and material terms.⁴⁵ In the present case, the denial of victim status to the petitioners—and consequently to the civil society organization—renders purely formal the petitioners’ ability to turn to the criminal justice system to report judicial corruption, depriving them of any effective capacity to influence the investigation, to access information, or to seek remedies. Therefore, the violation alleged before the Commission is not merely organizational; it directly affects the individual human rights of the petitioners.

⁴⁴ Judgment in *Huilca Tecse v. Peru*, Merits, Reparations and Costs, Inter-American Court of Human Rights, Series C No. 121 (March 3, 2005), available at: https://www.corteidh.or.cr/docs/casos/articulos/seriec_121_esp.pdf.

⁴⁵ Article 1. Obligation to Respect Rights

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

2. For the purposes of this Convention, "person" means every human being.

Article 2. Domestic Legal Effects Where the exercise of any of the rights or freedoms referred to in Article 1 is not already ensured by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms.

7. The petition reports violations of the human rights of the petitioners as natural persons

Taken together, the analysis demonstrates that the actions of Estefanía Medina Ruvalcaba and Luz Adriana Mercedes Greaves cannot be separated from the means they chose to exercise their human rights without hollowing out the guarantees protected by the ACHR. The organization constitutes—by constitutional mandate, legislative design, and the very logic of citizen oversight in contexts of structural corruption—the vehicle through which the petitioners can effectively exercise their freedom of association, their right to defend human rights, their participation in public affairs, and their access to justice. Artificially separating the natural person from the collective entity they created does not describe either the legal reality or the material reality of how rights are exercised in Mexico: it distorts it.

No State may require the petitioners to act in isolation in the face of a phenomenon that the State itself acknowledges as systemic, complex, and potentially lethal for those who confront it individually. Forcing the petitioners to divest themselves of the associative tool that enables them to exercise their political rights and anti-corruption advocacy not only contradicts Article 16 of the ACHR and drains Article 23 of meaning, but also places them in a situation of vulnerability incompatible with the State's duty to guarantee the free and safe exercise of human rights. Collective action is not an accessory, a luxury, nor an externality: it is a necessary condition for the effective and safe exercise of the rights protected by the ACHR.

Thus, it is clear that the violation presented to the Commission is neither abstract nor institutional; it is concrete, personal, and direct with respect to the human rights of two citizens. The Mexican State prevented Estefanía Medina Ruvalcaba and Luz Adriana Mercedes Greaves from fully exercising their human rights in a space recognized by domestic law and valued by international law.

Accordingly, the Commission must admit this petition, declare that the State's refusal constitutes a violation of the petitioners' human rights—of their freedom of association, their right to defend human rights, and their right to judicial protection—and reaffirm that States may not indirectly do what the Convention directly forbids them to do: annul, restrict, or empty the human rights of individuals acting collectively in defense of the public interest.

This petition offers the IACtHR an opportunity to deepen—on solid legal and theoretical grounds—its understanding of one of the defining tensions in the region today: the relationship between the individual exercise of human rights and their collective dimension in a context of civic space closure and democratic backsliding. The case of Estefanía Medina Ruvalcaba and Luz Adriana Mercedes Greaves, who exercised their rights domestically through TOJIL, clearly shows that anti-corruption advocacy and citizen participation can no longer be understood solely as individual acts, but as necessarily collective practices in States where corruption, institutional capture, and violence against defenders place at risk the lives and integrity of those who act alone.

In analyzing this case, the IACtHR will be able to develop standards that respond to a growing challenge: modern forms of authoritarianism do not always directly prohibit political participation; they restrict it by weakening, harassing, or neutralizing the organizations that enable individuals to exercise those rights effectively and safely. When States limit the action of civil society organizations—as occurred with TOJIL—they do not merely shrink an institutional space: they restrict the real possibilities for individuals to exercise their human rights in their individual

dimension. The closing of civic space inevitably results in violations of the rights of individuals who depend on collective structures to participate in public affairs without facing reprisals or violence.

Accordingly, this petition not only raises specific violations suffered by the petitioners, but also invites the Commission to define, reaffirm, and project a protective framework that recognizes that the collective dimension is, today more than ever, a condition for the exercise of individual rights. In societies where reporting corruption entails mortal risk, and where public participation depends on the existence of safe, autonomous, and recognized organizations, the IACtHR has the opportunity to establish that protecting the individual necessarily requires protecting the collective spaces that safeguard them. In doing so, resolving this case will allow the Inter-American System to advance the development of standards recognizing that, in contexts of democratic erosion, freedom of association and collective participation are mechanisms of democratic survival.

B. Corruption harms collective legal interests.

As explained in section A, the petitioners appear before this Inter-American Commission on Human Rights in their capacity as natural persons, in accordance with the procedural rules of the American Convention on Human Rights and of the Inter-American system itself. This does not imply disregarding the fact that, at the domestic level, the Mexican legal system recognizes legal standing for civil society organizations both to bring amparo actions and to intervene in criminal proceedings related to corruption and other structural human rights violations. Precisely because of this duality—appearance as natural persons before the IACtHR and organized action through civil society at the domestic level—this section B sets out how corruption harms collective legal interests and presents the relevant standards focused on defending the petitioners’ participation through TOJIL, so that the Commission may fully appreciate the Mexican normative and jurisprudential background that enabled, and at the same time ultimately restricted, the participation of the petitioners through TOJIL in the case at hand.

1. Corruption undermines the proper functioning of public administration.

Corruption is an insidious plague that undermines the rule of law and erodes the proper functioning of public administration.⁴⁶ Public administrations are tasked with delivering public goods through the non-discriminatory use and investment of public funds. However, when public officials abuse their power for private gain, they divert resources from collective to individual interests, creating a biased and discriminatory public administration that fails in its duties. This erodes the legitimate foundation of a democratic society. For that reason, the IACtHR characterizes corruption as the abuse or misuse of power that displaces the public interest for a private benefit and that weakens both administrative and judicial oversight institutions.⁴⁷

⁴⁶ United Nations Convention Against Corruption (entered into force December 14, 2005; Mexico ratified the Convention on July 20, 2004) [hereinafter UNCAC], Foreword, https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf (last visited October 14, 2025) (“Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights [...]”); Jurisprudence 1a./J. 99/2001, First Chamber of the Supreme Court, <https://sjf2.scjn.gob.mx/detalle/tesis/188281> (last visited October 8, 2025) (stating that corruption endangered the proper functioning of the public administration).

⁴⁷ IACtHR, *Corruption and Human Rights*, Resolution 1/18, March 2, 2018 [hereinafter IACtHR, 2018 Resolution].

As illustrated in the Inter-American Democratic Charter, transparency in government activities and responsible public administration are essential components of the exercise of democracy.⁴⁸ The preamble to the Inter-American Convention Against Corruption (“IACAC”) established that representative democracy requires by its nature the “combating of every form of corruption in the performance of public functions.”⁴⁹ Corruption severely affects the foundation of democracy, including the ideal that the legitimacy of authorities is based on the pursuit of the common good and the principle of legality.⁵⁰

Corruption in the justice system, the very institution designed to hold public administration accountable, breaks the essential feedback loop that allows democratic institutions to self-correct and impose punishment. Consequently, corruption within the administration of justice not only directly damages the legitimacy of justice and the rule of law,⁵¹ it has a derivative effect of perpetuating impunity within other democratic institutions.

2. Corruption adversely affects the exercise of a wide range of human rights.

As international legal frameworks have acknowledged, corruption is not an isolated phenomenon; it is often a structural form of violence that affects the enjoyment of human rights.

The connection between corruption and impairment of the human rights enjoyment is well-documented, including by UN human rights bodies.⁵² The IACHR has similarly recognized the intricate link between the two, noting that “corruption is a complex phenomenon that affects human rights in their entirety,”⁵³ and that it “present[s] a serious danger of regression in the effectiveness of the rule of law and restrict[s] the full enjoyment of the human rights that the American Convention recognizes for everyone.”⁵⁴ Concerns about the negative impact of widespread corruption on human rights are also underlined within the United Nations Convention Against Corruption (“UNCAC”) framework.⁵⁵

There are at least three ways in which corruption has been observed to adversely affect the enjoyment of human rights.

First, corruption undermines the very institutions that are responsible for safeguarding democracy and fundamental human rights. The Preamble to the ACHR states that a framework of democratic

⁴⁸ Inter-American Democratic Charter, art. 4 (adopted on September 11, 2001).

⁴⁹ Inter-American Convention Against Corruption, Preamble (entered into force June 3, 1997), Mexico ratified the Convention on June 2, 1997 [hereinafter IACAC].

⁵⁰ IACHR, *Corruption and Human Rights: Inter-American Standards* (December 6, 2019), paras.131–34 [hereinafter IACHR, 2019 Report].

⁵¹ IACHR, 2019 Report, para. 294.

⁵² Office of the United Nations High Commissioner for Human Rights, *The Human Rights Case Against Corruption* (2013), p. 4, <https://www.ohchr.org/sites/default/files/HRCCaseAgainstCorruption.pdf> (last visited October 16, 2025); Human Rights Council, *The negative impact of corruption on the enjoyment of human rights*, U.N. Doc. A/HRC/RES/53/17 (July 20, 2023); Human Rights Council, *The negative impact of corruption on the enjoyment of human rights*, U.N. Doc. A/HRC/RES/47/7 (July 12, 2021).

⁵³ IACHR, 2018 Resolution.

⁵⁴ IACHR, *Human Rights and the Fight against Impunity and Corruption*, Resolution 1/17 (September 12, 2017).

⁵⁵ Conference of the States Parties to the United Nations Convention Against Corruption, *Atlanta 2023: promoting integrity, accountability and transparency in the fight against corruption*, U.N. Doc. CAC/COSP/2023/L.5/Rev.1 (December 15, 2023).

institutions is necessary to effectuate the essential rights of man.⁵⁶ Corruption weakens the effectiveness of these institutions, diverting them from their purpose and undermining their ability to guarantee and respect economic, social and cultural rights.⁵⁷ It also erodes the rule of law, damages legitimacy of states, and impairs the enjoyment of civil and political rights.⁵⁸

Second, corruption violates the core human rights principles including transparency, accountability, non-discrimination and meaningful participation in every aspect of community life.⁵⁹ Conversely, these very principles, when upheld and implemented, are among the most effective means to fight corruption.

Third, corruption may aggravate a pre-existing human rights violation. When a State's authorities are pervaded by corruption, it creates a context of systematic violation that represses citizen oversight, undermines access to justice, and, in turn, fosters conditions conducive to further corruption. This cycle undermines the relationship of trust between the State and its citizens, creates a generalized perception of impunity, and exacerbates existing human rights violations and a climate of violence, as recognized by the IACtHR.⁶⁰

Particularly given the intricacies within the administration of society, corruption can be so pervasive that it is difficult to find a human right that corruption does not affect.⁶¹

C. The International legal framework has recognized that the right to participate in criminal proceedings related to corruption should be interpreted broadly.

Corruption generates structural impacts that transcend the State as the sole injured party, affecting society as a whole. The wide range of victims that could be affected by corruption has been recognized in both Inter-American and international legal frameworks, including the IACtHR and UNCAC, which has led to growing recognition of standing for entities beyond public institutions.

The IACtHR has recognized that “the harm caused by acts of corruption may result in harm that does not necessarily violate any particular right, but rather causes ‘social harm,’ which injures the whole or part of society, or the ‘public interest,’ which comprises many individuals and communities

⁵⁶ American Convention on Human Rights, Preamble (entered into force July 18, 1978), Mexico ratified the Convention on March 2, 1981 [hereinafter ACHR].

⁵⁷ United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, U.N. Doc. E/C.12/GC/24 (August 10, 2017), para. 20.

⁵⁸ Office of the United Nations High Commissioner for Human Rights, The Human Rights Case Against Corruption (2013), p. 4, <https://www.ohchr.org/sites/default/files/HRCCaseAgainstCorruption.pdf> (last visited October 16, 2025); Human Rights Council, Report of the Special Rapporteur on the independence of judges and lawyers, U.N. Doc. A/72/140 (25 July 2017), para. 18; Case of Ramírez Escobar et al. v. Guatemala, Merits, Reparations and Costs, Judgment, IACtHR (ser. C) No. 351, para. 241 (March 9, 2018).

⁵⁹ Office of the United Nations High Commissioner for Human Rights, The Human Rights Case Against Corruption (2013), pp. 8-9, <https://www.ohchr.org/sites/default/files/HRCCaseAgainstCorruption.pdf> (last visited October 16, 2025).

⁶⁰ IACtHR, *2019 Report*, paras. 128, 139.

⁶¹ United Nations General Assembly, Final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights, U.N. Doc. A/HRC/28/73 (January 5, 2015), para. 17.

that form part of a collective or common interest.”⁶² The negative impact of corruption on society as a whole has also been confirmed by the Inter-American Court of Human Rights (“IACtHR”) in several cases.⁶³ Moreover, the IACHR has highlighted the central role of the victim, pointing out that “victims of corruption should be kept at the heart of the fight against [corruption]” under the principles of “access to justice, transparency and participation.”⁶⁴

There has been a broad international recognition, beyond Inter-American legal framework, of the harm of corruption to the collective legal rights and interests of the broader public. The UN General Assembly pointed out that when corrupted authorities divert financial and economic resources to private benefits, the effective implementation of policies to enforce human rights as collective interests enjoyed by society is harmed.⁶⁵ Society’s interests in the realization of democracy and implementation of rule of law are also directly undermined when state authorities are pervaded by corruption, and public confidence in the State erodes.⁶⁶ The negative impacts that corruption brings to concerned individuals, to typically affected groups, and to society at large highlight the importance of a victims-centered approach.⁶⁷

UNCAC also recognizes that corruption harms not only States but also collective legal rights and interests of the broader public, requiring victims to be considered throughout the proceedings. Article 13 of UNCAC explains that States Parties must take appropriate measures, subject to their domestic law, to promote the active participation of persons and groups “outside the public sector, such as civil society, non-governmental organizations, and community-based organizations” in the prevention of and fight against corruption.⁶⁸ Furthermore, Articles 32 and 35 underline States Parties’ obligations to uphold a victim’s right to have their views and concerns presented and considered at appropriate stages of criminal proceedings and to initiate legal proceedings against the responsible party to obtain compensation.⁶⁹

Although UNCAC does not explicitly define who has standing in a criminal proceeding, the Intergovernmental Working Group on Asset Recovery, created under UNCAC, has explained that “[c]orruption may victimize people directly, but also indirectly, and it may also negatively affect the society as a whole.”⁷⁰ On this basis, the Working Group argued that, “[w]hile the Convention does not provide a definition of who is a victim of corruption, it is important to adopt a broad and inclusive approach, recognizing that individuals, entities and States can be considered victims of

⁶² Inter-American Judicial Committee, *The Participation of Victims in Criminal Prosecutions of Acts of Corruption* (August 16, 2024), p. 3.

⁶³ See, e.g., *Case of Ramírez Escobar et al. v. Guatemala*, Merits, Reparations and Costs, Judgment, IACtHR (ser. C) No. 351, para. 241 (March 9, 2018).

⁶⁴ IACHR, *2018 Resolution*.

⁶⁵ United Nations General Assembly, Final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights, U.N. Doc. A/HRC/28/73 (January 5, 2015), para. 20.

⁶⁶ United Nations General Assembly, Final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights, U.N. Doc. A/HRC/28/73 (January 5, 2015), para. 20.

⁶⁷ United Nations General Assembly, Final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights, U.N. Doc. A/HRC/28/73 (January 5, 2015), para. 27.

⁶⁸ UNCAC, article 13.

⁶⁹ UNCAC, articles 32 and 35.

⁷⁰ United Nations Office on Drugs and Crime, *Good Practices in Identifying the Victims of Corruption and Parameters for their Compensation*, U.N. Doc. CAC/COSP/WG.2/2016/CRP.1 (August 4, 2016), para. 12.

corruption.”⁷¹ In the context of civil society organizations, the Working Group further argued that as legal entities civil society and non-governmental organizations should be able to “report crimes, give evidence, represent victims, or bring public interest litigation” because of their important role of ensuring that victims are represented in corruption proceedings.⁷²

Comparative law⁷³ can provide examples of how the participation of civil society organizations in corruption cases has been allowed at the domestic level, as explained below.

A paradigmatic example of this evolution is the case known as *Fraud on the Gualcarque River* in Honduras, related to the murder of the Indigenous defender Berta Cáceres and the structural corruption surrounding the concession of the Agua Zarca hydroelectric project. In that case, the Supreme Court of Honduras recognized the Indigenous organization COPINH as a collective victim with the right to participate in the criminal proceedings for fraud and forgery, not on the exclusive basis of anti-corruption law, but by grounding its reasoning in international human rights law, in particular ILO Convention No. 169 and the American Convention on Human Rights. The Court held that the Indigenous communities affected by corruption had concrete interests in their territory, water, and collective property, and that allowing their participation strengthened—rather than weakened—the transparency and legitimacy of the criminal proceedings.⁷⁴

On the other hand, in *Verein Klimaseniorinnen Schweiz and Others v. Switzerland*, a case concerning climate change, the European Court of Human Rights held that associations have legal standing to participate in cases involving structural harms provided that they meet the following requirements: “(a) they are lawfully established in the jurisdiction concerned or have standing to act there; (b) they are capable of demonstrating that they pursue a specific purpose, in accordance with their statutory objectives, in the defense of the human rights of their members or other affected persons within the jurisdiction concerned, whether limited to or including collective action for the protection of those rights against threats arising from climate change; and (c) they are capable of demonstrating that they may be regarded as genuinely qualified and representative to act on behalf of their members or other affected persons within the jurisdiction who are subject to specific threats or adverse effects of climate change on their lives, health, or well-being, as protected by the Convention.”⁷⁵

In that case, the European Court indicated that, in deciding whether to admit the participation of an association, it would take into account factors such as the purpose for which the association was established, its non-profit character, the nature and scope of its activities within the relevant jurisdiction, its composition and representativeness, its principles and the transparency of its governance, and whether, in general and in the specific circumstances of the case, granting such standing serves the interests of the proper administration of justice. The Court further clarified that,

⁷¹ United Nations Office on Drugs and Crime, Good Practices in Identifying the Victims of Corruption and Parameters for their Compensation, U.N. Doc. CAC/COSP/WG.2/2016/CRP.1 (August 4, 2016), para. 7.

⁷² United Nations Office on Drugs and Crime, Good Practices in Identifying the Victims of Corruption and Parameters for Their Compensation, U.N. Doc. CAC/COSP/WG.2/2016/CRP.1 (August 4, 2016), para. 7.

⁷³ Véase el excepcional trabajo de derecho comparado sobre organizaciones civiles en Naomi Roht-Arriaza, *Fighting Grand Corruption: Transnational and Human Rights Approaches in Latin America and Beyond* 77–103 (Cambridge Univ. Press 2025).

⁷⁴ Naomi Roht-Arriaza, *Fighting Grand Corruption: Transnational and Human Rights Approaches in Latin America and Beyond* 86–88 (Cambridge Univ. Press 2025).

⁷⁵ European Court of Human Rights, *Verein Klimaseniorinnen Schweiz and Others v. Switzerland*, Application No. 53600/20, Judgment (April 9, 2024), para. 502.

in this context, an association's standing to act on behalf of its members or other affected persons does not depend on demonstrating that those individuals themselves meet the victim status requirements applicable in climate change cases. The European Court also indicated that, where domestic law restricts the standing of associations that meet the Convention's requirements, it may consider whether—and to what extent—their members or other affected persons had access to national courts in the same proceedings or in related proceedings, in order to ensure the proper administration of justice.⁷⁶

In Argentina as well, strategic public interest litigation has become a key tool enabling civil society organizations to participate in the fight against corruption. In contexts of systemic corruption, in which public resources intended for social welfare are diverted and human rights are violated, civil society has turned to litigation to open formal spaces within investigations that have traditionally excluded citizen participation. Although international instruments such as the Inter-American Convention against Corruption and the United Nations Convention against Corruption explicitly recognize the central role of civil society in the prevention and sanctioning of corruption, obstacles have also persisted in Argentina: bureaucratic barriers, high costs, the absence of clear procedural mechanisms, and significant risks for organizations confronting political and economic power. The work of the Argentine organization *Poder Ciudadano* illustrates how strategic litigation can overcome these obstacles and produce structural change. The organization achieved progress on three fronts: by submitting *amicus curiae* briefs that influenced international institutions such as the World Bank; by its historic admission as a private prosecutor (*querellante*) in a national corruption case involving the diversion of public funds, in which the courts recognized that corruption directly affects fundamental rights; and by the creation of new forms of participation, such as the figure of the “external collaborator,” which allows organizations to provide relevant information without assuming the procedural risks of becoming a formal party.⁷⁷

The *Qali Warma* case in Peru demonstrates why procedural standing for NGOs is essential in corruption investigations. PROÉTICA, the Peruvian chapter of Transparency International, sought to participate as an injured party in a corruption case involving the national school feeding program, which directly affected children's rights to adequate food and health. The prosecutor's office rejected this request, arguing that only the State had standing, despite the fact that Article 94(4) of Peru's Code of Criminal Procedure clearly allows associations to represent collective or diffuse interests affected by a crime. This restrictive interpretation ran counter to domestic legislation and international standards, which recognize that corruption often harms broad segments of the population that cannot be adequately represented through traditional approaches centered on individual victims.⁷⁸ The case ultimately set an important regional precedent. On August 25, 2025, through a first-instance ruling—given that the case involves the President, who enjoys special jurisdiction—a Supreme Court judge overturned the prosecutor's decision and formally recognized PROÉTICA as a victim. This ruling, which has been appealed by the prosecutor's office, strengthens access to justice for vulnerable groups, such as the children affected by the abuses within *Qali*

⁷⁶ European Court of Human Rights, *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, Application No. 53600/20, Judgment (April 9, 2024), para. 503.

⁷⁷ DPLF, *El litigio estratégico y la participación de la ciudadanía en casos de corrupción* (Apr. 22, 2025), <https://dplf.org/el-litigio-estrategico-y-la-participacion-de-la-ciudadania-en-casos-de-corrupcion/>.

⁷⁸ Global Civil Society Coalition for the UNCAC, *Legal Standing for NGOs in Corruption Cases Is Crucial in the Fight Against Corruption – Our Support to Proética* (Aug. 18, 2025), <https://uncaccoalition.org/legal-standing-for-ngos-in-corruption-cases-is-crucial-in-the-fight-against-corruption-our-support-to-proetica/>.

Warma, and reinforces the fundamental role of civil society organizations in ensuring oversight, accountability, and the effective enforcement of anti-corruption efforts throughout Latin America.⁷⁹

Taking into account the foregoing examples, we emphasize that the participation of organizations as victims is something that has already been recognized in comparative law by various national courts and even by regional tribunals.

Accordingly, it is now widely acknowledged that corruption can pose—and often does pose—a serious threat to the collective rights and legal interests of the public at large. For this reason, not only public institutions, but also civil society and non-governmental organizations must be able to have standing to initiate and participate in the relevant proceedings at the domestic level, in accordance with national legislation. As noted in the first section, such organizations ultimately amount to legal fictions that enable the exercise of the human rights of their individual members.

The rights established under the ACHR, including the rights to judicial protection, political participation, freedom of association, and reasonable time, apply to “all persons subject to [the State’s] jurisdiction.”⁸⁰ Article 3 of the IACAC requires the State to create, maintain, and strengthen mechanisms to encourage civil society and non-governmental organizations to participate in corruption prevention.⁸¹

Though the IACtHR and IACtHR have not yet defined “victim” status in corruption cases, the Inter-American human rights jurisprudence has enforced certain procedural requirements for individuals, legal entities and groups to be considered victims of violations under the ACHR. Particularly, the IACtHR requires a “concrete violation of the human rights of a specific individual.”⁸² For example, in the environmental disputes context, the IACtHR has explained that, although a petitioner does not always have to identify all the victims represented in the petition, the group should be “specifically defined” and the individuals should be “identifiable,” the rights of which were “directly impaired by the situation.”⁸³ This analysis was echoed in the climate change context by the European Court of Human Rights in 2024, in which the Court designated the petition as an “*actio popularis* complaint,” because the petitioner’s complaint did not include “specific environmental problems whose cause, localisation and effects could clearly be established.”⁸⁴

As the definition of “victim” expands, the number of individuals and groups that can show that there was a concrete violation of their rights in accordance with the procedural requirements also expands. This international human rights framework reflects an expansion of the definition of “victim,” which, in turn, creates a more inclusive definition of who is eligible for standing in a criminal proceeding.

⁷⁹ Vance Ctr. for Int’l Just., Vance Center and International Partners Welcome Peruvian Supreme Court Decision to Grant NGO Legal Standing in Corruption Case (Oct. 2025), <https://www.vancecenter.org/vance-center-international-partners-welcome-peruvian-supreme-court-decision-ngo-standing-corruption-case/>.

⁸⁰ ACHR, article 1.

⁸¹ IACAC, article 3.

⁸² Inter-American Court of Human Rights, Advisory Opinion, OC-14/94, para. 45.

⁸³ *Case of the Metropolitan Natural Park v. Panama*, Petition No. 11.533, Judgment, IACtHR, para. 32 (October 22, 2003).

⁸⁴ *Case of Carême v. France*, App. No. 7189/21, para. 61 (Eur. Ct. H.R. April 9, 2024).

D. Mexico's legal framework adopts a broad definition of "victim" in criminal proceedings.

Consistent with its international legal obligations, Mexico's legal framework adopts a broad definition of "victim" in criminal proceedings, ensuring that individuals with victim status are afforded a comprehensive array of legal rights.

1. The Constitution

At the heart of Mexico's human rights system is Article 1 of the Constitution. In addition to guaranteeing that all individuals are entitled to the rights recognized by both the Constitution and international treaties to which Mexico is a party, Article 1 requires that "[t]he provisions relating to human rights shall be interpreted according to this Constitution and the international treaties on the subject, working in favor of the broadest protection of people at all times."⁸⁵ The Article in current form is a product of a major reform in 2011, which aligned Mexican law with contemporary international human rights standards and ensured the application of the *pro personae* principle, aiming to provide the broadest possible protection for individuals.

The Constitution also recognizes victims as parties to the criminal proceeding and affords them rights to cooperate with and oversee the public prosecution. In particular, Article 20 C. of the Constitution grants victims and offended parties in criminal proceedings the right to actively participate alongside the Public Prosecutor's Office.⁸⁶ They can submit evidence during the investigations and trials, challenge evidence, and seek legal remedies.⁸⁷

This constitutional reform significantly shifted the balance within Mexico's criminal justice system. By elevating victims' rights to a level comparable to that of defendants, the Constitution strengthened their ability to influence the direction of proceedings, ensure accountability, and safeguard the public interest.

2. The General Victims Law

Building on the momentum of the 2011 constitutional reform, Mexico enacted the General Victims Law ("GVL") in 2013. This law is instrumental in implementing the constitutional mandates of interpretation in line with international treaties and ensuring the broadest protection for victims.⁸⁸

Article 4 of the GVL, in particular, recognizes as victims "groups, communities, or social organizations whose collective rights, interests or legal assets are affected as a result of the commission of a crime or the violation of rights."⁸⁹ Additionally, Article 12 of the GVL empowers those recognized victims by granting them the right to formally cooperate with the Public

⁸⁵ Constitution, article 1.

⁸⁶ Constitution, article 20 C. II and C.VII.

⁸⁷ In line with their status as parties to the criminal proceeding, victims and offended parties are permitted under the Constitution to challenge the Public Prosecutor's omissions in the investigation of crimes, as well as decisions to reserve, not exercise, withdraw or suspend criminal proceedings, especially if damages are not compensated.

⁸⁸ General Victims Law, articles 1 and 2.

⁸⁹ General Victims Law, article 4.

Prosecutor's Office and to challenge any omissions and decisions made in the investigation of crimes.⁹⁰

The inclusion of Article 4 underscores Mexico's commitment to aligning its national legal framework with international obligations,⁹¹ by granting standing to social organizations and other entities to represent collective interests.⁹²

3. The National Criminal Procedure Code

The National Criminal Procedure Code ("NCPC") serves as another crucial instrument in the recognition and enforcement of victims' rights within the Mexican legal framework. Under Article 108, the NCPC ensures that all the rights and privileges outlined in the Constitution and applicable laws are fully accessible to both "victims," as well as "offended parties."⁹³ This provision is particularly significant as it defines victims and offended parties for the purposes of the NCPC, but ultimately recognizes that "victims" or "offended parties" shall have all rights recognized by the Constitution and other applicable laws —therefore including the GVL and its broad "victims" definition in Article 4.

⁹⁰ General Victims Law, article 12 III and V.

⁹¹ Statement of Purpose of the Senate's initiative to amend the General Victims Law, (February 19, 2013), <https://legislacion.scjn.gob.mx/Buscador/Paginas/wfProcesoLegislativoCompleto.aspx?q=CZOfeCfRa+d28Vs1CgNlB+AIgTU4xclQlNcJ+hm7CegKJEvc3CsVZViY1gZ+5daD1aJAENhYMYaeqw53eA==> (last visited October 14, 2025). ("The Mexican legal system has undergone significant changes in recent years. In particular, the constitutional reform on human rights published in the Official Gazette of the Federation on June 10, 2011, has enshrined in the constitutional text the preeminence of the individual over any entity, body, or institution. Our country is undergoing major legal transformations that are consolidating a cutting-edge system that guarantees rights on a daily basis. [...] The General Victims Law that we propose to reform with this Initiative, as noted in the explanatory memorandum of the Initiative that gave rise to it and which was approved on April 30 by the Congress of the Union, is a legal instrument that is unprecedented not only in our country but also in international law, and it incorporates the best practices, precepts, and principles of international law in favor of human dignity. However, for its better application and operational viability, this Initiative is presented, which simplifies and specifies, with details provided by various actors, the obligations and tasks of the Mexican State set forth in Articles 1 and 20, section "C" of the Political Constitution of the United Mexican States, to provide redress to victims of human rights violations and victims of crime, through a law in the strict terms set forth in the Constitution itself in section XXX of article 73.")

⁹² Opinion of the Joint Committees on Government, Justice, Human Rights, and Legislative Studies of the Senate regarding the Initiative to Reform Several Provisions of the General Victims Law (March 21, 2023), Section III B, <https://legislacion.scjn.gob.mx/Buscador/Paginas/wfProcesoLegislativoCompleto.aspx?q=CZOfeCfRa+d28Vs1CgNlB+AIgTU4xclQlNcJ+hm7CegKJEvc3CsVZViY1gZ+5ptiJI7+uDW09Z2n7qnRzzg==> (last visited October 14, 2025) ("We fully agree and are responding to a public demand that comes from the community of groups that have been affected by crime, and who are the main authors of this initiative to reform the General Victims Law. [...] Similarly, we consider it essential, and there is broad agreement on this, to give greater participation to civil society, and in particular to victims and victims groups, in the design of policies and actions aimed at their protection at all stages provided for in the Law.").

⁹³ NCPC, article 108. ("Article 108. Victim or offended party. For the purposes of this Code, the victim of the crime is considered to be the passive subject who directly suffers the effects of the criminal conduct. Moreover, the natural or legal person who is the holder of the legal right that has been harmed or endangered by the action or omission defined as a crime in criminal law shall be considered the offended party. In crimes resulting in the death of the victim or in cases where the victim is unable to personally exercise the rights granted by this Code, the following persons shall be considered offended parties, in the following order: the spouse, common-law spouse, the cohabitant, relatives by blood in the direct ascending or descending line without limitation of degree, by affinity and civil relationship, or any other person who has an emotional relationship with the victim. The victim or offended party, in terms of the Constitution and other applicable laws, shall have all the rights and privileges recognized therein.").

Article 109 of the NCPC elaborates on a comprehensive array of rights applicable to all entities recognized as victims under the GVL, regardless of their specific designation as “victims” or “offended parties” under the NCPC. Those rights include the right to prompt and expeditious justice; the capability to request investigative acts; access to detailed information during the investigation and the ability to obtain records; the authority to challenge any omissions or negligence by the public prosecutor; the right to revive proceedings that have been suspended; and notification of any decisions that conclude the proceeding.⁹⁴

Despite the expansive interpretation, the NCPC maintains the distinction between individuals with complainant status, who have the right to initiate investigations by informing authorities of criminal conduct,⁹⁵ and those with victim status, who have the exclusive rights to offer evidence⁹⁶ and challenge prosecutorial decisions remain exclusive to those classified as victims or offended parties.⁹⁷

E. TOJIL meets the requirements to be considered, at the domestic level, a victim whose rights have been affected by corruption in the Mexican public administration.

TOJIL, as an organization with a specific mandate conferred by its founders to defend human rights through the fight against impunity and corruption within the judicial system, squarely falls within the category of victims whose rights have been affected by possible corruption in the Mexican public administration. Recognizing this status is not only strongly supported by Mexico’s international obligations, as implemented through its own domestic legislation, but is also essential to ensuring that those whose collective legal interests have been harmed by corruption are afforded a procedural opportunity to be heard.

1. TOJIL is an organization whose members’ collective legal interests have been affected by an act of corruption in the administration of justice.

TOJIL is an organization with a focused mandate conferred by its founders to defend human rights through combating impunity and corruption within the justice system. TOJIL is constituted as a non-profit legal entity whose mandate includes providing legal assistance, support, and advocacy to promote the proper functioning of public administration and the protection of related human rights.⁹⁸ Bearing in mind the indispensable link between an effective justice system and the protection of human rights, TOJIL advances human rights by addressing the “high levels of corruption in the criminal justice system”⁹⁹ through “strategic litigation, investigations, and

⁹⁴ Active participation in the investigative and evidentiary stages of the proceeding embodies the adversarial principle (*principio de contradicción*) that governs criminal proceeding. Article 6 of the NCPC outlines that parties have the right to challenge or confront evidence and oppose other parties’ arguments, and Article 261 of the NCPC further recognizes the importance of the adversarial principle for proper examination of evidence.

⁹⁵ National Criminal Procedure Code, article 222.

⁹⁶ National Criminal Procedure Code, article 262.

⁹⁷ National Criminal Procedure Code, article 258.

⁹⁸ The Collegiate Court considered this, noting that TOJIL fits the classification of a “social organization” as defined by Article 4 of the General Victims Law, because TOJIL is composed of members of civil society pursuing a specific purpose without profit purposes. *See* Seventh Collegiate Court in Criminal Matters of the First Circuit Ruling on Criminal Amparo Review 159/2019, January 23, 2020, at 58, Committee on Judiciary Administration database, <https://www.oaj.gob.mx/micrositios/dggi/paginas/serviciosTramites.htm?pageName=servicios%2Fexpedientes.htm> (last visited October 10, 2025).

⁹⁹ TOJIL, Petition P-1550-20 with the IACHR, p.19.

collaboration with authorities to develop public policies.”¹⁰⁰ The alleged acts of corruption within the justice system, therefore, strike at the very core of TOJIL’s organizational purpose.

Granting victim status to TOJIL is crucial in cases like this one, which involves potential corruption within another ongoing corruption investigation is crucial for the institution and its founders. TOJIL’s and its founders’ criminal complaint concerns an allegation of multiple layers of corruption within the justice system — i.e., bribery allegations between the public prosecution and its fellow prosecutor in charge of Mr. Duarte’s underlying corruption case. These circumstances raise a host of questions about the independence, impartiality, and legitimacy of state authorities. Public trust toward the very democratic institutions that uphold human rights is critically at risk.

As noted in the first section of this amicus, the case also affects the human rights of the founders, Estefanía Medina and Adriana Greaves. The Inter-American Commission on Human Rights has emphasized the heightened duty of States in the investigation and prosecution of corruption cases within the judicial system, underscoring the importance of affording victims the opportunity to participate and to be heard. It has been recognized that, in cases where the conduct at issue may involve the participation of State agents, States have a special obligation to clarify the facts and bring those responsible to justice.¹⁰¹ States must also adjust their oversight and sanctioning systems so that such bodies and State institutions are able to effectively investigate corruption cases, thereby uncovering the true facts, convicting the perpetrators, enforcing their sentences, and recovering the illicit proceeds of corruption.¹⁰²

In other words, granting TOJIL’s and its founders members victim status in this case is firmly supported by Mexico’s international obligations under the ACHR and other frameworks, and is specifically mandated by these obligations as incorporated into its domestic law.

2. An organization with TOJIL’s specific mandate is necessary to adequately represent the collective legal interests of the citizenry harmed by corruption.

Granting TOJIL’s victim status in this case serves an additional, distinct goal. It is critical for ensuring that individuals whose collective legal interests have been harmed by corruption have the procedural opportunity to be heard.

As a procedural matter, the General Victims Law requires an organizational form, such as TOJIL, for collective interest representation in criminal proceedings. While Mexican law formally allows citizens to file complaints for violations of their rights as a result of corruption, the petitioners would not be afforded the full rights of victims of corruption under these laws in their individual capacity, because they are alleging a violation of their collective legal interests as a result of bribery.

Specifically, the crime of bribery under Article 222 of the Federal Criminal Code can be prosecuted *ex officio*, or without any victim status.¹⁰³ The crime is therefore classified as a collective interest crime

¹⁰⁰ TOJIL, <https://tojil.org/en/> (last visited October 8, 2025).

¹⁰¹ IACHR, *2019 Report*, para. 264.

¹⁰² IACHR, *2019 Report*, para. 268.

¹⁰³ Seventh Collegiate Court in Criminal Matters of the First Circuit Ruling on Criminal Amparo Review 159/2019, January 23, 2020, at 65, Committee on Judiciary Administration database, <https://www.oaj.gob.mx/micrositios/dggi/paginas/serviciosTramites.htm?pageName=servicios%2Fexpedientes.htm> (last visited October 10, 2025).

in which the collective harm belongs to a “given or determined or determinable community or group based on common circumstances,” rather than an individualized harm.¹⁰⁴ Furthermore, the victims of the crime of bribery are considered to be the passive subjects of the collective interest, rather than direct victims.

Article 4 of the GVL provides a separate definition for victims whose collective legal interests were harmed as a result of corruption that limits the classification of victims to “groups, communities, or social organizations” and excludes individuals.¹⁰⁵ As a result, the petitioners would not be considered victims in their individual capacity and would not be afforded the full rights of victims under the NCPC, such as the right to participate in the criminal proceeding. The only opportunity for the petitioners’ rights to be exercised is through TOJIL as a social organization, in accordance with the GVL’s definition of victims of a violation of a collective legal interest.

In other words, TOJIL is the organization through which the petitioners are required under Mexican law to exercise their interests. Indeed, the Collegiate Court affirmed TOJIL’s classification as a social organization under the provisions of the GVL, acknowledging that it is composed of members of civil society for a specific, non-profit purpose.¹⁰⁶

As such, denying TOJIL, as a civil society organization, recognition as a victim ultimately directly affects the individual rights of the complainants to be heard. Such denial has significant and foreseeable consequences. By preventing individuals and civil society actors from participating in criminal proceedings related to corruption, the State restricts access to investigation and perpetuates acts of impunity. In particular, in the context of corruption cases in Mexico, civil society participation within the judicial system fosters transparency and social scrutiny of State action. According to the absence of corruption ranking in the 2024 Rule of Law Index, Mexico ranked 135th out of 142 countries.¹⁰⁷ At the regional level, Mexico ranked 29th out of 32 Latin American countries.¹⁰⁸ These statistics reflect the State’s long-standing history of corruption, fueled by impunity. For many years, the majority of prosecutors and judges asserted that corruption was a “victimless crime,” and most corruption offenses went unresolved.¹⁰⁹

¹⁰⁴ International Lawyers Project, *Mexico - Victims of Corruption: Damage Reparation and Legal Standing* (2022), <https://uncaccoalition.org/wp-content/uploads/Mexico-Legal-Standi-1-1.pdf> (last visited October 14, 2025).

¹⁰⁵ General Victims Law, article 4.

¹⁰⁶ Seventh Collegiate Court in Criminal Matters of the First Circuit Ruling on Criminal Amparo Review 159/2019, January 23, 2020, at 58, Committee on Judiciary Administration database, <https://www.oaj.gob.mx/micrositios/dggi/paginas/serviciosTramites.htm?pageName=servicios%2Fexpedientes.htm> (last visited October 10, 2025).

¹⁰⁷ The World Justice Report, *Rule of Law Index 2024 - Absence of Corruption*, <https://worldjusticeproject.org/rule-of-law-index/global/2024/Absence%20of%20Corruption/table> (last visited October 14, 2025).

¹⁰⁸ The World Justice Report, *Rule of Law Index 2024 - Absence of Corruption*, <https://worldjusticeproject.org/rule-of-law-index/global/2024/Absence%20of%20Corruption/table> (last visited October 14, 2025).

¹⁰⁹ International Lawyers Project, *Mexico - Victims of Corruption: Damage Reparation and Legal Standing* (2022), <https://uncaccoalition.org/wp-content/uploads/Mexico-Legal-Standi-1-1.pdf> (last visited October 14, 2025).

F. The definitive refusal of the Mexican State to recognize TOJIL’s status as a victim constitutes a violation of the American Convention on Human Rights to the detriment of the petitioners.

Mexico’s ultimate denial of TOJIL and its founders’ members the victim status implicates key human rights protected under the ACHR. Article 1.1 of the ACHR, for instance, obligates States to respect the “rights and freedoms” of the Convention and to ensure “all persons subject to their jurisdiction the free and full exercise of those rights and freedoms.”¹¹⁰ Article 23.1(a) of the ACHR establishes a citizen’s right to participate in public affairs “directly or through freely chosen representatives.”¹¹¹ The IACtHR has clarified that intervening in matters of public interest, such as defending democracy, is considered a legitimate exercise of individual or organized political participation under the ACHR.¹¹² When engaging in this political participation, Article 16.1 of the ACHR protects citizens who freely associate with other persons without intervention by the State to limit or obstruct this participation.¹¹³

But as a threshold matter, it is worth highlighting two important aspects of this case.

First, this case serves as an opportunity for the Commission to affirm the critical connection between corruption, human rights, and civil society participation, addressing fundamental questions about the role of civil society in fighting corruption by actively engaging in criminal proceedings. As Commissioner Roberta Clarke has noted, “[t]here are some direct victims but indirectly everyone in a society that has become corrupted is a victim of corruption, so [...] the best inoculator of corruption is citizen involvement in the political processes”.¹¹⁴

While other jurisdictions have recognized the value of associations and organizations in legal actions for collective interests¹¹⁵, Mexico’s interpretation denying civil society organizations the right to participate in corruption cases conflicts with the *pro personae* principle and undermines the State’s duty to combat corruption and prevent human rights violations that ultimately affect their founders—the natural persons who are the petitioners before this Inter-American body.

During the IACtHR’s 192nd Period of Sessions, multiple organizations underlined how the ineffective prosecution of corruption leads to impunity and unfulfilled reparative obligations, exacerbating the erosion of justice systems, fostering a cycle of repeated corrupt acts and obstructing economic and social rights.¹¹⁶ Traditionally, corruption cases have focused on State representation,

¹¹⁰ ACHR, article 1.1.

¹¹¹ ACHR, article 23.1(a).

¹¹² *Case of López Lone et al. v. Honduras*, Preliminary Objection, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 302, para. 163 (October 5, 2015).

¹¹³ ACHR, article 16.1; *Case of Baena Ricardo et al. v. Panama*, Judgment, IACtHR (ser. C) No. 72, para. 156 (February 2, 2001).

¹¹⁴ IACtHR, Regional Hearing, 192nd Period of Sessions, *Human Rights Obligations of the States in Corruption Contexts*, at 1:25:38, <https://www.youtube.com/watch?v=aLUic7Ec4xQ> (last visited October 9, 2025).

¹¹⁵ See, for instance, the 2010 decision of the French *Cour de cassation* (Criminal Chamber, 9 November 2010, No. 09-88.272), which recognized the legal standing of associations in corruption cases. This principle was later codified in Article 2-23 of the French Code of Criminal Procedure in

¹¹⁶ IACtHR, Regional Hearing, 192nd Period of Sessions, *Human Rights Obligations of the States in Corruption Contexts*, International Federation for Human Rights at 8:00–9:00, *Transparencia por Colombia* (Transparency International) at 19:35–21:40, Transparency International Brazil at 26:50–29:50, and Due Process of Law Foundation at 30:00–32:50, <https://www.youtube.com/watch?v=aLUic7Ec4xQ> (last visited October 9, 2025).

often neglecting to recognize both individual and collective victimhood. Although legal frameworks exist for investigating and sanctioning corruption, significant barriers hinder effective judicial intervention, undermining reparative rights and non-repetition assurances.¹¹⁷

In the present case, the fact that the prosecutor's office did not seek reparations for the underlying embezzlement stands in stark contrast to the right to reparation. Moreover, the subsequent denial of victim status to TOJIL further exacerbated impunity.

Second, this case addresses an alarming trend in Mexico, where broader efforts are underway to restrict the standing and participation rights of civil society organizations in the defense of human rights. For example, the *amparo* proceeding, which is fundamental to Mexican constitutional law and the protection of human rights, was strengthened by the 2011 constitutional reforms through the introduction of the concept of "legitimate interest." This concept allows challenges to governmental actions based on a legally relevant and differentiated harm to the claimant's legal sphere resulting from their specific circumstances in relation to the legal order, without the need to establish a direct subjective right.¹¹⁸

The Supreme Court, through Jurisprudence 1a./J. 33/2021, has clarified that legitimate interest encompasses both individual and collective dimensions. A complainant's legitimate interest could be individual, collective, or both, while still qualifying for *amparo* standing.¹¹⁹

Civil associations have been acknowledged to possess a legitimate interest to challenge substantive and procedural government actions and omissions, particularly when collective human rights are at stake.¹²⁰ The Supreme Court has held that civil associations protecting vulnerable populations "have the possibility that, in the event of granting of the *amparo*, there will be a tangible benefit both for the association and for the community it defends" and that "[p]reventing associations from accessing the *amparo* trial would mean that they would fail to fulfill one of the purposes for which they were created, or it would affect the conditions under which associations fulfill those purposes."¹²¹

For more than a decade, legitimate interest in *amparo* proceedings has provided constitutional standing to organizations advocating for different rights.¹²² Nevertheless, a recent presidential initiative seeks to amend the *Amparo* Law by narrowing the scope of legitimate interest to demand proof of a "current" and "individual" legal injury.¹²³ Concurrently, a pending Supreme Court draft

¹¹⁷ IACtHR, Regional Hearing, 192nd Period of Sessions, *Human Rights Obligations of the States in Corruption Contexts, Transparencia por Colombia* (Transparency International) at 21:00–21:40, <https://www.youtube.com/watch?v=aLUic7Ec4xQ> (last visited October 9, 2025).

¹¹⁸ Amparo Law, article 5. I.

¹¹⁹ Jurisprudence 1a./J. 33/2021 (11a.), First Chamber of the Supreme Court, approved November 10, 2021, <https://sjf2.scjn.gob.mx/detalle/tesis/2023821> (last visited October 9, 2025).

¹²⁰ Jurisprudence 1a./J. 168/2023 (11a.), First Chamber of the Supreme Court, approved October 18, 2023, <https://sjf2.scjn.gob.mx/detalle/tesis/2027536> (last visited October 9, 2025). Civil associations' standing is conditional upon (a) having a corporate purpose involving the promotion, protection, and/or defense of a collective human right, and (b) demonstrating that the challenged act violates this right, thereby impeding their organizational purpose.

¹²¹ Jurisprudence 1a./J. 132/2023 (11a.), First Chamber of the Supreme Court, approved September 20, 2023, <https://sjf2.scjn.gob.mx/detalle/tesis/2027318> (last visited October 10, 2025).

¹²² Including environmental, freedom of expression, sexual and reproductive rights, the right for torture to be investigated with due diligence, and the rights of indigenous peoples.

¹²³ See Santiago Aguirre, *Ley de Amparo: el interés legítimo diluido*, NEXOS (September 22, 2025), <https://eljuegodelacorte.nexos.com.mx/ley-de-amparo-el-interes-legitimo-diluido/> (last visited October 9, 2025).

opinion would require organizations to demonstrate qualified environmental impact beyond their stated mandate to establish standing in environmental cases.¹²⁴

While the concept of legitimate interest in *amparo* proceedings may not directly determine victim status in criminal proceedings, recent opinions of the Supreme Court reflect a broader and equally concerning pattern. Denying civil society organizations the right to seek legal remedies causes a legally cognizable harm by preventing them from fulfilling their foundational purposes.

However, it is important to reiterate that the procedural framework before the IACtHR is different. As noted in section A and in the first paragraph of section B, Article 1 of the American Convention on Human Rights requires that petitioners be “persons,” which the Commission has consistently interpreted as natural persons. Accordingly, in the present case, the petitioners are appearing before this body in their own name—that is, they are appearing as natural persons. This does not diminish the relevance of the broader structural issues affecting civil society participation in Mexico; rather, it underscores the need for IACtHR protection at a time when domestic avenues for defending collective and diffuse rights are being progressively narrowed.

1. Right to judicial protection and Victim Reparation

1.1. The State denies petitioners’ right to judicial remedy by refusing their effective access to justice.

Article 25.1 of the ACHR establishes the general obligation of States to provide an effective judicial remedy to victims of human rights violations and to ensure the proper application of that remedy.¹²⁵ IACtHR has highlighted the central role of the victim, with emphasis on the principles of “access to justice, transparency and participation.”¹²⁶ For the remedy to be effective, it is not enough for it to be formally admissible. Rather, it is necessary to determine “whether the remedy existed and whether it was really possible to exercise it in the context of the situation of the country, the facts of the case, or the specific situation of the presumed victims.”¹²⁷ In other words, the remedy is not effective if it is illusory due to the general situation of a State or particular circumstances that do not guarantee access to justice.¹²⁸ Practical and normative impediments, such as a climate of legal uncertainty, are relevant in evaluating whether there is real access to justice.¹²⁹

Similarly, under Article 35 of UNCAC, States are obligated to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to “initiate legal proceedings”

¹²⁴ See Greenpeace México, *¿Limitará la SCJN el interés legítimo de las ONG?*, (October 9, 2025), <https://www.greenpeace.org/mexico/informacion-prensa/61375/limitara-la-scn-el-interes-legitimo-de-las-ong/> (last visited October 15, 2025).

¹²⁵ ACHR, article 25.1; IACtHR, 2019 Report, para. 262; *Case of Lagos Del Campo v. Peru*, Preliminary Objections, Merits, Reparations and Costs, Judgment, IACtHR (ser. C) No. 340, para. 174 (August 31, 2017); *Case of Reverón Trujillo v. Venezuela*, Preliminary Objection, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 197, paras. 59-60 (June 30, 2009).

¹²⁶ IACtHR, 2018 Resolution.

¹²⁷ *Case of the Pacheco Tineo family v. Bolivia*, Preliminary Objections, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 272, para. 191 (November 25, 2013).

¹²⁸ *Case of Reverón Trujillo v. Venezuela*, Preliminary Objection, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 197, para. 61 (June 30, 2009).

¹²⁹ *Case of the Dismissed Congressional Employees (Aguado Alfaro et al.) v. Peru*, Preliminary Objections, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 158, para. 129 (November 24, 2006).

against those responsible for that damage.¹³⁰ Under Article 32(5) of UNCAC, States are under the obligation to “enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings.”¹³¹

Petitioners, as victims whose collective legal interests were harmed by corruption, should have rights to access an effective judicial remedy. The restrictive interpretation adopted by Federal Collegiate Court renders the legal remedy under Article 4 of the General Victims Law illusory, as this provision is intended to grant legal standing to organizations in precisely this type of situation. Recent judicial reforms and the trend toward a rigid and restrictive interpretation have created further legal uncertainty and practical impediments for petitioners to have any real access to justice, whether through criminal proceedings or an action for *amparo*. By refusing to recognize TOJIL as victim, the State deprived the petitioners the right to judicial protection guaranteed under the Convention.

Furthermore, since the alleged corruption here poses a threat to collective and indivisible interests, CSOs often are the only viable representatives of such interest in corruption cases. Depriving the petitioners of legal standing in this particular case essentially means that no victim would be able to access the judicial remedy at all. This directly contradicts the State’s obligation to enable victims to present evidence and have them considered at the appropriate stages of criminal proceedings and provide them with an effective judicial remedy.

In addition, the denial of judicial protection is closely linked to the guarantees established in Article 8 of the ACHR. Article 8 of the Convention ensures every person’s right to a hearing, with due guarantees, for the determination of their rights. The Inter-American Commission and Court have held that judicial guarantees and judicial protection include the right to the truth¹³², understood as the right of victims—and of society as a whole—to know the circumstances, responsibility, and context of violations. In cases affecting collective or societal interests, such as enforced disappearance or corruption involving concealed agreements, the Court has recognized that the right to the truth is subsumed within Articles 8 and 25. By denying petitioners standing, the State prevented them not only from presenting evidence and participating meaningfully in the proceedings, but also from accessing and contributing to the clarification of the facts surrounding a corruption scheme that harmed the public interest. The result is that no victim—individual or collective—can exercise the right to judicial remedy or the right to the truth, a situation incompatible with the State’s obligations under Articles 1.1, 8, and 25 of the Convention.

1.2. The State denies petitioners’ right to judicial remedy by failing to ensure the possibility of obtaining a proper reparation.

The IACtHR has affirmed that every State must adopt the necessary measures to facilitate the access, both for victims and for those who report acts of corruption, not only to adequate and effective means to report these crimes, but also to effective means to achieve a proper damage reparation,

¹³⁰ UNCAC, article 35.

¹³¹ UNCAC, article 32(5).

¹³² See Pueblo Bello Massacre v. Colombia, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 140, ¶ 219 (Jan. 31, 2006) (citing Blanco Romero et al. v. Venezuela, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 138, ¶ 62 (Nov. 28, 2005); and Serrano Cruz Sisters v. El Salvador, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 120, ¶ 62 (Mar. 1, 2005)); see also Bámaca Velásquez v. Guatemala, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 70, ¶ 201 (Nov. 25, 2000).

thereby helping to avoid its repetition.¹³³ More specifically, the State is obliged to identify the victims, who may be social groups representing collective legal interests, to ensure a fair reparation for the damage, as corruption is not an abstract crime without a passive subject.¹³⁴ The reparation provided should be “effectively comprehensive (restitution, rehabilitation, compensation, satisfaction measures and guarantees of non-repetition) in its individual, collective, material, and social dimensions. moral or symbolic.”¹³⁵

Article 35 of UNCAC also requires States to take necessary measures to ensure that entities or persons who have suffered harm as a result of an act of corruption have the right to take legal action to obtain remedy, which goes far beyond monetary compensation.¹³⁶ At the international level, the UN General Assembly has pointed out that for remedies for human rights violations, as is often the case with corruption, victims have a right to “adequate, effective and prompt reparation for harm suffered” and that reparation should be “proportional to the gravity of the violations and the harm suffered.”¹³⁷

Acting with legal standing as victim in the criminal proceeding is an essential channel for petitioners to exercise their right to seek enforcement and reparation of the damage caused by corruption practices. By refusing to recognize TOJIL’s legal standing, the State failed to ensure access to a proper and fair damage reparation. Given that corruption cases harm collective legal interests, this refusal leads directly to the total absence of victim participation in the investigation, prosecution and reparation process, resulting in the deficiencies of any potential reparation. It could further result in perpetuating of impunity and the erosion of trust in the democratic institutions, leading to more serious cycle of corruption.

1.3. The State denies petitioners’ right to due process by failing to satisfy its obligation to ensure non-discrimination and to rectify existing unequal treatment.

The judicial remedy required under Article 25.1 of the ACHR must be substantiated in accordance with the rules of due process.¹³⁸ The IACtHR has explained that “the right to due process presupposes an independent judicial system” and “it is necessary to ensure its independence vis-à-vis other branches of government (institutional) and vis-à-vis authorities and public servants in the face of illegitimate influences or external pressures.”¹³⁹ However, when the judicial system is fraught with corrupt practices, it prevents the authorities from treating everyone subject to their jurisdiction on an equal footing, which is a prerequisite for due and fair process.¹⁴⁰ This impairs the right to an

¹³³ IACtHR, 2019 Report, para. 265.

¹³⁴ IACtHR, 2019 Report, para. 487.

¹³⁵ Inter-American Judicial Committee, *The Participation of Victims in Criminal Prosecutions of Acts of Corruption* (August 16, 2024), p.10.

¹³⁶ UNCAC, article 35.

¹³⁷ United Nations General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, U.N. Doc. A/RES/60/147 (December 16, 2005).

¹³⁸ *Case of Hermanos Landaeta Mejías et al. v. Venezuela*, Preliminary Objections, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 28, para. 215 (August 27, 2014).

¹³⁹ IACtHR, 2019 Report, para. 343.

¹⁴⁰ IACtHR, 2019 Report, para. 288.

effective remedy and the right to be tried with guarantees of due process,¹⁴¹ as a violation of the principle of equality and non-discrimination established under Article 24 of the ACHR.¹⁴²

Similarly, the UN General Assembly pointed out that “in the case of judicial corruption the right of access to the court and the right to a fair trial by an independent, impartial and competent tribunal is directly affected.”¹⁴³ The OHCHR also highlighted that corruption in the administration of justice undermines “the right to a fair trial, the right to due process, and the victim’s right to effective redress.

States have an obligation to ensure that human rights in their dimension of equality and non-discrimination are not violated by corruption. In the present case, the alleged corruption within the justice system violated petitioners’ right to due process on two levels. First, the irregularities during the investigation and prosecution imply a possibility of illegitimate influence on prosecutor, which created privileged treatment for certain individuals, specifically Mr. Duarte in this case. Second, the criminal proceeding brought by petitioners through TOJIL is an affirmative action aimed at correcting these inequalities. However, by obstructing such proceeding through the refusal to recognize TOJIL as victim, the State failed to uphold its obligation to redress existing discrimination, guarantee equal footing, and ensure the right to due process.

2. States’ obligations to guarantee human rights with respect to access to justice and the right to a fair trial (Arts. 1(1), 8, and 25)

2.1. The State failed to adopt measures adequate to remedy the violation of human rights.

Article 1.1 of the ACHR requires States to respect the rights and freedoms recognized within the Convention and to ensure the free and full exercise to all persons subject to their jurisdiction, without any discrimination.¹⁴⁴

The IACtHR has consistently affirmed that the language of “ensure” imposes a positive duty on States to “adopt legislative, administrative and other measures to guarantee the exercise of human rights against the violations and restrictions caused by the phenomenon of corruption.”¹⁴⁵ As part of this duty to act, States are required to “take reasonable steps to prevent human rights violations and to use the means at their disposal to carry out a serious investigation of violations committed within their jurisdiction, to identify those responsible, to impose the appropriate punishment and to ensure adequate reparation for victims.”¹⁴⁶

¹⁴¹ IACtHR, 2019 Report, para. 288.

¹⁴² ACHR, article 24.

¹⁴³ United Nations General Assembly, *Final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights*, U.N. Doc. A/HRC/28/73 (January 5, 2015), para. 19.

¹⁴⁴ ACHR, article 1.1.

¹⁴⁵ IACtHR, 2018 Resolution.

¹⁴⁶ IACtHR, 2019 Report, para. 253; *Case of Velásquez Rodríguez v. Honduras*, Merits, Judgment, IACtHR (ser. C) No. 4, para. 174 (July 29, 1988).

These duties are analyzed through a due diligence standard.¹⁴⁷ States shall adopt “all legal means available” to combat human rights violation,¹⁴⁸ whereas victims should be an integral part of the investigation and trial process.¹⁴⁹ Any denial of the right for victims to participate and be heard indicates that States failed to adopt measures adequate to satisfy their obligations under the ACHR to act with due diligence.¹⁵⁰

These obligations are consistent with the State’s commitments under UNCAC. The State is obliged under Article 34 of UNCAC to ensure that appropriate measures are taken to address the consequences of corruption.¹⁵¹ Article 32 of UNCAC adds that States shall allow victims to appear and have their views and concerns considered at appropriate stages of the criminal proceeding.¹⁵² Such obligations are also recognized at the international level. States are obliged to take effective regulatory or other measures to prevent human rights abuses by third parties in the context of corruption, to investigate violations that occur, to prosecute the perpetrators as appropriate, and to provide redress for victims.¹⁵³ Criminal prosecution by the State itself can be inadequate for remedying the negative consequences of corruption for specific groups or for society in general.¹⁵⁴ In such situations, victims’ participation is necessary and they must be heard at the investigation and trial stages and provided with appropriate forms of reparation.¹⁵⁵

The IACtHR specifies the requirements for the State’s positive duties in investigation and trial. During investigation, States must “promptly begin a serious, impartial, and effective investigation, using all available legal means and geared to ascertaining the true facts and trying and, where applicable, punishing the perpetrators.”¹⁵⁶ Victims of human rights violations must have ample opportunity to participate and be heard to elucidate of the facts.¹⁵⁷

During trial, victims likewise must have opportunities to participate and be heard. Such is necessary to ensure the procedural fairness and search for fair remedy.¹⁵⁸ States must thoroughly compensate the damages resulting from a violation of human rights, and this duty to compensate may require the

¹⁴⁷ *Case of Luna Lopez v. Honduras*, Merits, Reparations and Costs, Judgment, IACtHR (ser. C) No. 269, para. 137 (October 10, 2013); *Oliveira v. Brazil*, Case No. 12.308, Report No. 37/10, IACtHR, para. 87 (Mar. 17, 2010).

¹⁴⁸ IACtHR, 2019 Report, para. 261; *Case of the Barrios family v. Venezuela*, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 237, para. 176 (November 24, 2011).

¹⁴⁹ IACtHR, 2019 Report, para. 265.

¹⁵⁰ IACtHR, 2019 Report, paras. 281–83.

¹⁵¹ United Nations General Assembly, *Final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights*, U.N. Doc. A/HRC/28/73 (January 5, 2015), para. 32; UNCAC, article 34.

¹⁵² UNCAC, article 32.

¹⁵³ United Nations General Assembly, *Final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights*, U.N. Doc. A/HRC/28/73 (January 5, 2015), para. 9.

¹⁵⁴ United Nations General Assembly, *Final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights*, U.N. Doc. A/HRC/28/73 (January 5, 2015), para. 28.

¹⁵⁵ Human Rights Council, *Report of the Special Rapporteur on the independence of judges and lawyers*, U.N. Doc. A/HRC/44/47, para. 97 (March 23, 2020).

¹⁵⁶ IACtHR, 2019 Report, para. 263; *see also, Case of the Rochela Massacre v. Colombia*, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 163, paras. 155–56 (May 11, 2007).

¹⁵⁷ IACtHR, 2019 Report, para. 263.

¹⁵⁸ IACtHR, 2019 Report, para. 263.

State to adopt measures deemed reasonable in a particular case, not limited to monetary payment of compensation.¹⁵⁹

In the present case, the claimed corruption, namely the irregularities in reaching the plea agreement, directly affects petitioners' free and full exercise of human rights. This triggers the State's obligation to investigate acts of corruption, identify those responsible, and guarantee reparation to the victims. As established by the aforementioned human rights obligation, the duty to investigate is not a mere procedural formality, but a legal obligation that must be fulfilled seriously, impartially, and effectively, with guarantee of the active participation of victims who represent collective legal interests. However, by refusing to grant TOJIL the legal standing, the State denied TOJIL access to the investigation file and the right to participate and be heard in the investigation. This also undermines the very purpose of the investigation, namely the clarification of the facts. Furthermore, any subsequent criminal proceeding would become a one-sided process without procedural fairness, rendering any potential reparation baseless and inadequate, as no one would represent the harmed collective legal interests or have the opportunity to participate meaningfully.

In conclusion, only when States adopt measures adequate to remedy human rights violation can they be said to have satisfied their obligation to ensure the free and full exercise of human rights under the ACHR. By denying TOJIL's standing in investigation and prosecution, the States failed to adopt all available methods adequate to the level of due diligence.

2.2. The denial obstructs petitioners' rights to defend human rights through judicial mechanisms.

As noted in Section A, where we explained that this case involves human rights violations against the individual petitioners that cannot be fully understood without taking into account the importance of a civil society organization, its collective dimension, and the way in which it is nothing more than the expression of the individual rights of natural persons, we now turn to the applicable protection standard in order to address more substantively the violation of the human right to defend rights from an internal perspective—namely, by examining the violations suffered by the petitioners domestically in their interactions with the Mexican State.

The IACtHR defines human rights defenders as “every person who in any way promotes or seeks to realization of human rights and fundamental freedoms, nationally or internationally.”¹⁶⁰ The IACtHR has affirmed the right to defend human rights under the ACHR, stating that “the imposition of illegitimate limitations or obstacles to the free and safe development” of activities by human rights defenders aimed at promoting, defending or protecting universally recognized human rights is a violation of the right.¹⁶¹ Respecting and guaranteeing the right to defend human rights is particularly important when the human rights defenders play a “fundamental role in strengthening

¹⁵⁹ *Case of Caballero Delgado and Santana v. Colombia*, Merits, Judgment, IACtHR (ser. C) No. 22, para. 58 (December 8, 1995); *Case of the Mapiripán Massacre v. Colombia*, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 134, para. 214 (September 15, 2005).

¹⁶⁰ IACtHR, *Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II.124 Doc. 5 rev.1 (March 7, 2006), para. 13.

¹⁶¹ Advisory Opinion OC-32/25, IACtHR, para. 561 (May 29, 2025); *Case of Escaleras Mejía et al. v. Honduras*, Judgment, IACtHR (ser. C) No. 361, para. 59 (September 26, 2018).

democracy and the rule of law,”¹⁶² which in turn imposes a special duty of protection on States.¹⁶³ At the international level, the right to promote and defend human rights has been recognized and States shall adopt necessary measures to ensure that such rights are effectively guaranteed.¹⁶⁴

States must guarantee the effective possibility of exercising the right to defend human rights without undue restrictions. Among these guarantees, access to adequate and effective judicial remedies constitutes the first line of defense. It is not enough for a judicial remedy to formally exist; for it to be an effective recourse, it must be “truly appropriate for establishing whether there has been a human rights violation and for providing whatever is necessary to repair this.”¹⁶⁵

In the present case, the definitive denial deprived the petitioners of their avenue of access to the judicial system to fulfill their mandate of defending human rights. Estefanía Medina and Adriana Greaves, through their organization TOJIL, filed the criminal complaint concerning the offense of bribery allegedly committed within the judicial system.¹⁶⁶ The right to bring a claim and to participate in the relevant investigation and prosecution constitutes an essential component of their work as human rights defenders combating corruption. Given that corruption within the judicial system poses a serious threat to the legitimacy of democracy and the rule of law, the State has a heightened duty to protect the work of human rights defenders. Instead of applying the judicial mechanisms necessary to guarantee the effective exercise of the right to defend human rights, the State relied on a procedural requirement to prevent the petitioners from freely exercising this right. The judicial remedy provided for under the LGV and the CNPP became illusory as a result of the strict and rigid application of standing requirements. Consequently, the State failed to adopt the necessary measures to effectively guarantee the petitioners’ right to defend human rights.

3. Right to political participation

3.1. Petitioners have the right to participate in public affairs and to defend democracy through judicial mechanisms.

Article 23.1(a) of the ACHR establishes the State’s obligation to allow citizens to participate in public affairs “directly or through freely chosen representatives.”¹⁶⁷ The IACtHR has clarified that intervening in matters of public interest, such as defending democracy, is a legitimate exercise of individual or organized political participation.¹⁶⁸ The Inter-American Democratic Charter reiterated the importance of civil society’s participation in defending democracy, noting that “promoting and fostering diverse forms of participation strengthens democracy.”¹⁶⁹

¹⁶² Advisory Opinion OC-32/25, IACtHR, para. 563 (May 29, 2025).

¹⁶³ *Case of Escaleras Mejía et al. v. Honduras*, Judgment, IACtHR (ser. C) No. 361, para. 56 (September 26, 2018); IACtHR, 2018 Resolution.

¹⁶⁴ United Nations General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, U.N. Doc. A/RES/59/192 (December 09, 1998), articles 1 and 2.

¹⁶⁵ IACtHR, 2019 Report, para. 333.

¹⁶⁶ TOJIL, Petition P-1550-20 with the IACtHR, pp. 4–5.

¹⁶⁷ ACHR, Article 23.1(a).

¹⁶⁸ *Case of López Lone et al. v. Honduras*, Preliminary Objection, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 302, para. 163 (October 5, 2015).

¹⁶⁹ Inter-American Democratic Charter, Articles 2 and 6.

3.2. Combating corruption in the justice system is a specific manifestation of this right.

Estefanía Medina and Adriana Greaves exercised their right to political participation as human rights defenders through their work in combating corruption. The preamble of the Inter-American Convention against Corruption underscores the importance of this work by stating that its States Parties are “convinced of the importance of raising public awareness in the countries of the region about [corruption] and its seriousness, and of the need to strengthen the participation of civil society in the prevention of and fight against corruption.”¹⁷⁰ The IACtHR echoed this understanding in its thematic report on Corruption and Human Rights, in which it emphasizes that the administration of justice plays an essential role in the fight against corruption.¹⁷¹

Here, the petitioners’ complaint arose from their specific request for the initiation of an investigation for the crime of bribery, regarding a deal between the PGR’s Prosecution Office and Mr. Duarte’s defense team that led to a reduction in his maximum sentence. Notably, the IACtHR’s thematic report highlights examples of judicial corruption identical to the underlying case at issue: “Before a case goes to trial, lawyers and prosecutors are at risk of being exposed to political pressure and bribes seeking to convince them to manipulate the evidence and/or charges brought before the competent courts. During judicial proceedings, judges, lawyers and court clerks can be contacted to influence the ruling of a case, to expedite or delay proceedings, to drop charges or to alter the final verdict.”¹⁷²

The IACtHR’s findings coupled with TOJIL and its members’ lack of standing to combat violations of corruption show the direct need for more access to the courts by citizens and civil society participants. It will not only force the State to terminate its arbitrary restriction and prevention of civil participation, but it will also create transparency and societal scrutiny into the procedures hindering the fight against corruption within the judicial system.

4. Right to freedom of association

4.1. The right is rendered meaningless if the State prevents an association from fulfilling its focused mandate, such as combating impunity and corruption.

Under Article 16.1 of the ACHR, the right to freedom of association, protects “any groups of individuals or any legal entities brought together in order to collectively act, express, promote, pursue or defend a field of common interests.”¹⁷³ It also protects citizens from State intervention that unduly obstructs this participation.¹⁷⁴ The IACtHR has explained that Article 16 enables individuals to create or participate in entities or organizations for the purpose of acting “collectively to achieve very diverse purposes.”¹⁷⁵

¹⁷⁰ IACAC, Preamble.

¹⁷¹ IACtHR, 2019 Report, para. 290.

¹⁷² Human Rights Council, Report of the Special Rapporteur on the independence of judges and lawyers, U.N. Doc. A/72/140 (25 July 2017).

¹⁷³ Human Rights Council, *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association Maina Kiai*, U.N. Doc. A/HRC/20/27 (May 21, 2012), para. 51.

¹⁷⁴ Human Rights Council, *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association Maina Kiai*, U.N. Doc. A/HRC/20/27 (May 21, 2012), para. 63.

¹⁷⁵ *Case of Escher et al. v. Brazil*, Preliminary Objections, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 200, para. 169 (July 6, 2009).

In *Baena Ricardo et al. v. Panama*, a labor union argued that the State violated its right to freely associate by intervening in the union's internal structure without evidence that the measures were necessary and proportional.¹⁷⁶ The IACtHR found in favor of the union, stating that the union's purpose was to provide labor union freedom, which equated to the ability to form and participate in labor union organizations without intervention by the State that limits or impairs participation.¹⁷⁷ Furthermore, in *López Lone et al. v. Honduras*, the IACtHR explained that Article 16 of the ACHR not only creates negative obligations for the State to refrain from limiting or obstructing participation, it also "gives rise to positive obligations to prevent any attacks on it, to protect those who exercise it, and to investigate any violations thereof."¹⁷⁸

In this case, the State violated TOJIL's founders right of free association as a Mexican civil society organization dedicated to ensuring that citizens' participatory and procedural rights, as well as collective legal interests such as proper public administration, equality before the law, and access to justice in the corruption context, are adhered to by obstructing TOJIL's ability to fulfill its stated purpose. The State then denied TOJIL and its founder members will as it is manifested in its statutes, the standing as a victim and effectively revoked TOJIL and its founder members, a access to the investigation documents and opportunity to participate in the criminal proceeding, which directly contradicts the State's positive obligation to protect its citizens' rights and to investigate violations of those rights.

5. Right to reasonable time

TOJIL filed an indirect *amparo* on January 7, 2019, challenging the denial of victim status.¹⁷⁹ The District Judge admitted the suit in January 2019 and granted preliminary relief.¹⁸⁰ However, the final ruling was not delivered by the Collegiate Court until January 24, 2020 —over a year after filing.¹⁸¹

Articles 8 and 25 of the ACHR establish the essential rights to a fair trial and judicial protection, respectively. Article 8.1 underscores every individual's right to a hearing with due guarantees and within a reasonable time by a competent, independent, and impartial tribunal for any accusation or determination of rights in various contexts.¹⁸² Simultaneously, Article 25.1 requires a "simple and prompt" recourse for violations of human rights —language that holds particular significance in this case.¹⁸³

¹⁷⁶ *Case of Baena Ricardo et al. v. Panama*, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 156, para. 156 (February 2, 2001).

¹⁷⁷ *Case of Baena Ricardo et al. v. Panama*, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 156, para. 156 (February 2, 2001).

¹⁷⁸ *Case of López Lone et al. v. Honduras*, Preliminary Objection, Merits, Reparations, and Costs, Judgment, IACtHR (ser. C) No. 302, para. 185 (October 5, 2015).

¹⁷⁹ TOJIL, Petition P-1550-20 with the IACtHR, p. 7.

¹⁸⁰ TOJIL, Petition P-1550-20 with the IACtHR, p. 7.

¹⁸¹ TOJIL, Petition P-1550-20 with the IACtHR, p. 12.

¹⁸² ACHR, Article 8.1 ("Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.").

¹⁸³ ACHR, Article 25.1 ("Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.").

5.1. Amparo proceedings are necessarily swift by constitutional design.

Article 25.1's mandate that the remedy be “simple”, and “prompt” is not aspirational. The IACtHR has underscored that access to justice implies resolving disputes within a reasonable time, and excessive delay can itself violate judicial guarantees.¹⁸⁴

This requirement acquires particular importance in *amparo* proceedings, designed as expedited remedies for constitutional protection against ongoing rights violations. As the *amparo* remedy serves to rapidly address fundamental rights violations, delayed resolutions undermine its purpose. An extended *amparo* cannot fulfill its protective role if the violation continues throughout lengthy proceedings.

In *Cuscul Pivaral v. Guatemala*, the IACtHR found a six-month delay in resolving an *amparo* to be unreasonable.¹⁸⁵ Here, the delay lasted more than twice as long, without the complexity present in *Cuscul Pivaral*.¹⁸⁶

5.2. The proceedings entailed heightened urgency due to suspended criminal investigation.

The delay is particularly detrimental given the preliminary injunction granted by the District Judge. In January 2019, aware of the risk of mootness, the District Judge suspended the ongoing corruption investigation pending the *amparo* proceedings.¹⁸⁷ This injunction created a pressing urgency that should have compelled expeditious resolution.

Inter-American jurisprudence recognizes the impact of delay on legal situations as critical in assessing reasonable time violations.¹⁸⁸ In this case, the delay had profound effects: a significant corruption investigation remained inactive while the *amparo* proceedings dragged on before the courts. Each day of delay constituted a denial of justice, not only for TOJIL, but also for the collective legal interest it defends and for the human rights of the petitioners. Moreover, in corruption cases each day is critical, as evidence may be lost or the trail of the financial resources at issue may disappear.

5.3. Mexico's arguments fail to justify the delay.

The IACtHR evaluates complexity by considering factors like evidentiary complexity, party plurality, elapsed time, remedy characteristics, and context.¹⁸⁹ None of these factors apply here. The case centered on legal interpretation regarding victim status under Mexican law and international

¹⁸⁴ *Case of Amrhein et al v. Costa Rica*, Preliminary Objections, Merits, Reparations and Costs, Judgment, IACtHR (ser. C) No. 354, para. 421 (April 25, 2018).

¹⁸⁵ *Case of Cuscul Pivaral and others v. Guatemala*, Preliminary Objection, Merits, Reparations and Costs, Judgment, IACtHR (ser. C) No. 359, para. 186 (August 23, 2018).

¹⁸⁶ TOJIL filed its indirect *amparo* lawsuit on January 7, 2019, and received notice of the final Collegiate Court ruling on January 24, 2020, with the entire *amparo* proceedings lasting over a year.

¹⁸⁷ TOJIL, Petition P-1550-20 with the IACtHR, p. 7.

¹⁸⁸ *Case of Cuscul Pivaral and others v. Guatemala*, Preliminary Objection, Merits, Reparations and Costs, Judgment, IACtHR (ser. C) No. 359, para. 180 (August 23, 2018).

¹⁸⁹ See, e.g., *Case of Cuscul Pivaral and others v. Guatemala*, Preliminary Objection, Merits, Reparations and Costs, Judgment, IACtHR (ser. C) No. 359, para. 180 (August 23, 2018).

standards, without complex evidentiary disputes or numerous victims and was contemporaneous rather than historical, and TOJIL engaged in no obstructive conduct.

The State bears the burden to justify, with established criteria, why the time taken was necessary.¹⁹⁰ Mexico has failed to provide such justification. There is no explanation for routine procedural steps requiring months, unfounded government appeals languishing for seven months, or why a straightforward case extended over a year.

Mexico argues that only seven months elapsed from admission to decision, focusing solely on the review stage and ignoring the entire procedural timeline.¹⁹¹ This perspective is misleading. The IACtHR consistently evaluates reasonable time by considering the entire process duration, from initial filing to final judgment.¹⁹² The State cannot conveniently disregard the months between the filing of the indirect *amparo* and the admission of the *amparo* in review in assessing timeliness.

Mexico also claims that TOJIL's procedural actions, such as seeking Supreme Court intervention and submitting *amici curiae* briefs, contributed to the delays.¹⁹³ But besides the fundamental point that seeking Supreme Court attraction was within TOJIL's right, the Court resolved this request swiftly, in a matter of just over a month: TOJIL made the request on September 4, 2019, and the Court declined on October 18, 2019. Such an insignificant intervention does not explain the unreasonable delays in this case.

Second, nor do *amici curiae* briefs filed by organizations supporting TOJIL with the Collegiate Court explain the delay in proceedings. These briefs were submitted in late 2019 and January 2020, when TOJIL's *amparo* application had already been pending for nearly a year.¹⁹⁴ Notably, the Collegiate Court issued its judgment on January 16, 2020, merely five business days after receiving the last *amicus* brief on January 9.¹⁹⁵ In other words, these submissions, far from impeding resolution, were processed expeditiously once received.

5.4. In any case, procedural mistakes by the State contributed to the delays.

Significant delays arose from the State itself. Consistent with procedural rules under the *Amparo* Law,¹⁹⁶ TOJIL brought the indirect *amparo* lawsuit against two government authorities: the “ordering authority,”¹⁹⁷ and the “executing authority.”¹⁹⁸ When the District Judge granted relief, it directed the ordering authority —Federal Supervisory Judge— to vacate his original decision and issue a new one

¹⁹⁰ See, e.g., *Case of Cuscul Pivaral and others v. Guatemala*, Preliminary Objection, Merits, Reparations and Costs, Judgment, IACtHR (ser. C) No. 359, para. 180 (August 23, 2018).

¹⁹¹ Answer of the Mexican State within admissibility proceedings of Petition P-1550-20, para. 64.

¹⁹² *Case of Suárez Rosero v. Ecuador*, Merits, Judgment, IACtHR (ser. C) No. 35, para. 71 (November 12, 1997).

¹⁹³ Answer of the Mexican State within admissibility proceedings of Petition P-1550-20, paras. 23, 64.

¹⁹⁴ Answer of the Mexican State within admissibility proceedings of Petition P-1550-20, para. 64.

¹⁹⁵ Seventh Collegiate Court in Criminal Matters of the First Circuit Ruling on Criminal Amparo Review 159/2019, at 4–5 (January 23, 2020), Committee on Judiciary Administration database, <https://www.oaj.gob.mx/micrositios/dggi/paginas/serviciosTramites.htm?pageName=servicios%2Fexpedientes.htm> (last visited October 10, 2025).

¹⁹⁶ Amparo Law, article 5, II.

¹⁹⁷ Federal Supervisory Judge who upheld the denial of victim status in the criminal proceeding.

¹⁹⁸ Federal Public Prosecutor from the Immediate Response Unit of the Inspector General's Office conducting the investigation, responsible only for carrying out the decision of the Federal Supervisory Judge.

recognizing TOJIL as a victim. The executing authority —investigating prosecutor— was not directed to do anything independently.

Under the *Amparo* Law, an authority may only appeal when the judgment “directly affects” the specific act attributed to that authority.¹⁹⁹ Here, the executing authority appealed, and the Collegiate Court admitted its appeal on June 28, 2019.²⁰⁰ This appeal was only declared inadmissible in the final ruling of January 23, 2020, when the Collegiate Court found that the executing authority lacked standing because the *amparo* relief granted by the District Judge did not affect its legal sphere in any way —the executing authority was not being ordered to do anything, and no independent act of hers was declared unconstitutional.²⁰¹

By filing this procedurally defective appeal, the executing authority added another appeal to the proceedings and by processing it and declaring it inadmissible only until the final ruling, the Collegiate Court further delayed final resolution of TOJIL’s claim.

5.5. The delay violated procedural and substantive judicial protections.

The violation is twofold. Procedurally, TOJIL was denied timely justice as guaranteed by Articles 8 and 25. The delay in resolving what should have been a swift remedy allowed the rights violations —the denial of victim status and exclusion from criminal proceedings — to persist for over a year.

Substantively, the delay compromised public interests in prosecuting corruption. The suspension of the criminal investigation risked fading evidence and witness memories, and further eroding public confidence in efforts against corruption. A remedy intended to facilitate justice instead prolonged and aggravated the violation.

The timeline, from TOJIL’s initial filing on January 7, 2019, through successive review and procedural steps until final notification on January 24, 2020, reflects an excessive duration that inhibited both judicial protection and a fair trial. This substantial delay, culminating in the final denial of TOJIL’s rights, is in tension with the petitioners’ reasonable time guarantee under Articles 8 and 25 of the Convention, in relation to the State’s obligations under Article 1.1.

VI. Conclusion

Mrs. Medina Ruvalcaba’s and Mrs. Greaves Muñoz’s petition in this case is rightly before this Commission. The Mexican legal framework, interpreted in accordance with the State’s international obligations, mandates the recognition of TOJIL as victim in cases of corruption where, as in this

¹⁹⁹ Amparo Law, article 87.

²⁰⁰ Seventh Collegiate Court in Criminal Matters of the First Circuit Ruling on Criminal Amparo Review 159/2019, at 26 (January 23, 2020), Committee on Judiciary Administration database, <https://www.oaj.gob.mx/micrositios/dggi/paginas/serviciosTramites.htm?pageName=servicios%2Fexpedientes.htm> (last visited October 10, 2025).

²⁰¹ Seventh Collegiate Court in Criminal Matters of the First Circuit Ruling on Criminal Amparo Review 159/2019, at 21–27 (January 23, 2020), Committee on Judiciary Administration database, <https://www.oaj.gob.mx/micrositios/dggi/paginas/serviciosTramites.htm?pageName=servicios%2Fexpedientes.htm> (last visited October 10, 2025).

case, collective interests, such as the right to proper public administration, are threatened. Mexico's narrow interpretation of its law has unlawfully denied TOJIL's legal standing and violated the petitioners' important human rights that the American Convention on Human Rights guarantees.

The Coalition for UNCAC respectfully urges the Commission to:

1. Admit Petition P-1550-20.
2. Find that Mexico's restrictive interpretation of "victim" to deny TOJIL's victim status in the underlying corruption case constituted a violation of the ACHR by denying the following protected human rights:
 - a. The right to judicial protection and victim reparation;
 - b. The right to defend human rights;
 - c. The right to political participation;
 - d. The right to freedom of association; and
 - e. The guarantee to reasonable time.
3. Urge Mexico to take all necessary measures to meet its obligations under the ACHR.