

[Mexico | ISHR joins amicus brief in trial of Mexican journalist Sergio Aguayo Quezada](#)

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Mexican journalist, Sergio Aguayo Quezada, was heavily fined for reporting on the corruption of a former government official. ISHR joined other NGOs in an amicus brief to the court emphasizing the need to protect journalists' right to freedom of expression.



In April 2021 ISHR signed onto an [amicus brief](#) led by [Propuesta Cívica](#) and [Article 19](#), urging Mexico's Supreme Court of Justice to give due respect to the right to freedom of expression in the trial of Mexican journalist, Dr. Sergio Aguayo Quezada. Aguayo was ordered to pay a fine of 10 million pesos (about \$530,000) in moral damages to former Coahuila state governor, Humberto Moreira, for writing an opinion piece on allegations of corruption against Moreira.

The Court of First Instance ruled for Aguayo, but this favorable ruling was overturned on Moreira's appeal. Aguayo presented a claim for direct protection ("direct amparo"), which sent the case to the Mexico City Collegiate Court. The Collegiate Court upheld the ruling against Aguayo, but Minister Gutiérrez of the 1st Chamber of the Supreme Court of Justice blocked the ruling. The case is now in Mexico's Supreme Court and is expected to be decided in the coming months. The amicus that ISHR endorsed was submitted for consideration in relation to this decision.

In [the amicus](#), concerned parties emphasized the necessity of free expression by the media for a healthy relationship between government and society. Judicial harassment of the media threatens free expression in Mexico. In addition to the weighty fine, the judicial process that Aguayo has been implicated in has been exacting and lengthy. Judicial harassment functions as censorship because the fear of retribution prevents journalists from reporting on certain topics. In addition, many journalists are not heavily resourced, so a fine combined with the time required to respond to a lawsuit serve as harsh deterrents. Finally, the resulting negative publicity can also affect a journalist's credibility.

In the trial, Moreira asserted his legal right to honor, however the NGOs joining the amicus argued that this must be balanced against Aguayo's right to free speech. The amicus delves into relevant international law regarding the appropriate balance between the two. Supporters of this amicus do not believe that a proper balance was struck in the appeal since insufficient consideration was given to the importance of a journalist's right to free speech. ISHR and the other signatories of the amicus call on Mexico's Supreme Court of Justice to carefully weigh the fundamental rights at stake.

Photo: Wikimedia Commons/Sergio Aguayo