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Mexico: Lawsuit against journalist unduly restricts freedom of expression

Amnesty International has learned that the renowned Mexican academic and journalist Sergio Aguayo is facing a civil lawsuit for defamation (moral damages) on the basis of an opinion column which he published in January 2016 in relation to the arrest in Spain of Humberto Moreira Valdés, former governor of the state of Coahuila in the north of Mexico.

The lawsuit against Sergio Aguayo demands that he retract his opinion and pay at least 550,000 USD by way of reparations. In order to demand this amount, the former governor has requested that the judge waive the maximum limit established by Mexican law for this type of lawsuit (approximately 1,400 USD).

All people have the right to protection of their honour and reputation, which on occasion may require intervention by the civil justice system. However in this particular case Amnesty International is concerned about the possible use of legal proceedings as a way to restrict freedom of expression in Mexico.

Sergio Aguayo published his opinion piece in legitimate exercise of his right to freedom of expression. Matters of public interest should be subject to wide-ranging scrutiny by a variety of social actors and therefore officials and other public figures should be subject to criticism without this implying a violation of human rights.

Amnesty International believes that the amount demanded as reparation in the lawsuit is excessive, and could constitute a form of punishment and intimidation which would serve to restrict freedom of expression in public debate.

The organization calls on the Mexican authorities to ensure that the civil justice system is not used to harass and discredit critical voices peacefully exercising their human rights by imposing civil penalties. The authorities are obliged to guarantee that journalists can work without fear of reprisal and to fulfil the right of society as a whole to be informed of all matters of public interest.