The Political Persecution Against an Absolved Mazatec Indian, Miguel Peralta, Continues After 11 Years of Legal Battles

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Four days after the Oaxaca Third Criminal Division of High Court Justice absolved ex-political prisoner Miguel Peralta Betanzos, accused of homicide and attempted homicide, on March 6, deputy Elisa Zepeda Lagunas presented a new legal appeal to review the sentence of said Mazatec defendants in a legal process that totals more than 11 years.

According to a communiqué sent out by family members, collectives, and organizations following Peralta's defense, the constestation against his absolution was presented on March 10, and submitted before the Nation's Supreme Court of Justice (SCJN) as "Amparo Directo in Review 2705/2026."

Said appeal was evaluated by the president of the Court, a position filled by minister Hugo Aguilar Ortiz, who approved its admission this past April 17. By June 12, the SCJN gave notice that the case would be reviewed by minister Loretta Ortíz and solicited the previous records in order to form the legal analysis.

"Today, once again, we are about to return to the Supreme Court at the whims of deputy Elisa Zepeda and her closeness with the president of said institute. This has nothing to do with justice, but rather with the use of these institutions to persecute and wear down anyone who resists," shared Peralta upon learning of the new contestation. The legal cause stems from the events of December 2014 and, since then it has passed through state trials, Collegiate Tribunals and even the SCJN itself.

Miguel Peralta, born in the community of Eloxochitlán de Flores Magón in the Mazatec Mountains, was detained on April 2015 in Mexico City and transferred to Oaxaca, where he remained incarcerated for four and a half years, charged with the killing a person and of supposed attempted homicide against Elisa Zepeda, within a context of aggression of petty warlord groups that belong to Zepeda against the Community Assembly.

On October 2019, the Huautla Joint Lower First Instance Courts had absolved him upon considering that the evidence presented in the trial did not prove his responsibility of the crimes, and so Peralta left prison despite the fact that the prosecution appealed the resolution. By March 2022, the Oaxaca Third Criminal Chamber revoked the absolving sentence and emitted one of 50 years behind bars. He remained under political persecution while he continued his legal defense, since, upon issuing an arrest warrant, the possibility for his arrest at any time was kept open.

On August 2023, a Collegiate Court granted a direct writ of amparo to Peralta. Without resolving the background case, the sentence was limited to ordering the resumption of part of the legal process, such that the Mazatec defense appealed to the SCJN. On November 2024, The First Chamber revoked the resolution and concluded that the Oaxacan tribunal had infringed Peralta's right to obtain justice by not considering the fact that he belonged to a First Peoples and in failing to analyze the case from an intercultural perspective.

The Court returned the file to the Oaxaca First Collegiate Tribunal of Penal Matters so that it may issue a new sentence which took into consideration of the social, cultural, and political context of Eloxochitlán. At this stage, expert anthropological opinions became involved who documented the existence of petty warlords in said community, for which there have been human rights violation against the townspeople and a power imbalance that has placed the townspeople under more than a decade of political persecution.

Justice Delayed

On February 20, 2026, the Collegiate Tribunal cataloged just how lacking the evidence against Peralta was. It also pointed out contradictions in the testimonies made against him, making it clear that the charges against him were fabricated, thus determining that the crime of attempted homicide against Elisa Zepeda did not take place. With such a decision, the absolution was partial in ruling out one of the Mazatec's felonies. The full sentence was issued on February 25, and, by March 6 the Third Criminal Chamber completely absolved Peralta, dismissing the charge of homicide as well.

The new contestation presented by Elisa Zepeda, who currently holds the position of local MORENA Party deputy, and who presides of over the Standing Commission of Indigenous and Afro-Mexican Inter-culturality, Peoples and Communities in the Oaxaca Congress, raised alarms due to her new attempt to delaying the process after more than 11 years and the issuing of various absolutory sentences.

In his communiqué, Peralta and the collectives that have kept up with the case, denounce Elisa Zepeda for having climbed up the ranks of state power given that, in less than 10 months, she's gone from being the municipal president of Eloxochitlán to sitting as the local MORENA deputy, from where she served as the president of the Permanent Commission of Justice Administration and Management; she was chief of the Women's Secretary under Salomón Jara's state government, and presently holds a seat again in the local Congress.

To those persecuted by Zepeda of Eloxochitlán, "her climb in various levels of power leaves glimpses of a series of connections and ties in the judicial system on a state and federal level due to her relation with judges, magistrates, ministers, bureaucrats, secretaries and politicians who place her in an utterly unequal field to the townspeople of Eloxochitlán de Flores Magón, whom she accuses and persecutes," holds the communiqué sent out this past Friday.

The communiqué also points out that no person from Eloxochitlán counts with the conditions to face Elisa Zepeda, "who represents the power of the State," on equal footing. Hence why they denounce that there is a documented relationship between the lawyers that represent her, the Indigenous Strategic Litigation, particularly lawyer Carlos Morales Sánchez, and the SCJN president, Hugo Aguilar Ortíz. "The court keeps its doors open to the lawyer, a relationship publicly exposed in various conversations, forums and reunions," they accuse.

It hasn't just been eleven years that have passed since Peralta's arrest, but also various resolutions to advance and hold back the case, there's also been various resolutions that have advanced and backpedaled the case: he's gone through spending time in prison without sentencing, been absolved, been sentenced to 50 years, the reinstatement of legal proceedings, as well as SCJN's intervention, a federal absolution, and a state sentence that reiterated his innocence.

His case is part of the greater conflict that other Eloxochitlán denizens, members of the Community Assembly, have faced in legal proceedings, of forced displacement, and even up to 200 warrants of arrest against 56 of them. What's more, the complaints point to political municipal control, exerted by the Zepeda family, reaching even the Xangá Ndá Ge River, which has been affected by extractive activity.

The February sentence had been presented by Peralta's defense as way to conclude the process and as an antecedent for other Eloxochitlán defenders who have been accused using similar using testimonies. The new appeal returns the Supreme Court's case, the same institute that in

2024 ordered a revision due to it not originally incorporating indigenous rights and context with regards to Miguel Peralta.

The communiqué maintains that, although the legal proceedings continue, the Eloxochitlán community will keep on being, ”quartered, divided, threatened and displaced”, which, it assures, will allow the Zepeda family to continue on pillaging the community’s natural resources and imposing their political power. As such, it beseeches the SCJN to discard the appeal presented by Elisa Zepeda. It demands that, ”The Court put an end to this unending cycle of legal harassment against him, his family and his community.”

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