



# **Behind the scenes of impunity**

## **Security offensive and bureaucratic red-tape**

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# Mexico

## Behind the scenes of impunity

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Journalists and politicians still talk about it in Mexico. A delegation from the Special Federal Attorney's Office for Combating Violence against the Media (FEADP, *Fiscalía Especial de Atención a los Delitos cometidos contra Periodistas*) went to the Chamber of Deputies on 12 July 2007 to present a report on its work to the Special Commission for the Protection of Journalists (*Comisión Especial para dar Seguimiento a las Agresiones contra Periodistas y Medios de Comunicación*), which includes representatives of press freedom organisations. No one was expecting very much from the report but the meeting became confrontational.

"At the end of the meeting, FEADP Special Attorney Octavio Orellana Wiarco's bodyguards were so on edge that they actually began to physically attack the journalists present, can you imagine?" exclaimed the commission's president, Gerardo Priego Tapia, a member of PAN, President Felipe Calderón's right-wing party.

A cheeky deputy from the southern state of Tabasco, Priego is full of criticism of the FEADP (also referred to as the *Fiscalía*) and the way it works. And he is not the only one. That is part of the reason why this incident is more than just an everyday parliamentary anecdote. The western hemisphere's most dangerous country for the media, with 55 journalists dead and eight disappeared since 2000, Mexico is also the country where defence of press freedom ends up rebounding on the press.

If the subject of violent crime in Mexico is raised, one immediately thinks of the areas to the south of the US border that are the traditional bastions of the leading drug cartels. But the border region and northern Mexico's narcos are unfortunately just the tip of the iceberg of a tragedy affecting the entire country and undermining civil rights and freedoms, starting with the right to report the news. Four years after Reporters Without Borders made two visits to the border cities of Tijuana and Nuevo Laredo, symbols of narco power, and few months after another one to Ciudad Juárez, the incarnation of every kind of violence, a delegation made a return visit from 4 to 12 July 2009.

Aside from the obligatory visit to the capital, where it met with journalists, press freedom activists and federal officials, including secretary of interior Fernando Francisco Gómez-Mont Urueta (*secretario de Gobernación*, "Segob", the number two in the government), the delegation spent its time in the southwestern states of Michoacán and Guerrero. These two states were not chosen at random. It was there that, on 12 December 2006, the government of President Calderón (who is from Michoacán) launched a major offensive against drug trafficking that has deployed 50,000 soldiers nationwide. The many cases of murders and disappearances of journalists and targeted attacks on media in this region underscore two realities that are just as formidable as the threat of the cartels and seem likely to enjoy the same kind of lasting impunity.

The first is the direct involvement of officials in human rights violations, defended on the grounds of the need to combat drug trafficking and the high level of violent crime. And the second is the fact that the legal and political mechanisms for combating organised crime, riddled by the tension between federal and states governments, work extremely badly. No country has as many government agencies and entities specialised in protecting journalists and defending press freedom. But many argue that investigations go nowhere and impunity is perpetuated precisely because all these entities neutralise each other's efforts. In its search of a better understanding of the Mexican criminal justice system's mechanisms, Reporters Without Borders also witnessed its excesses, including those that sometimes suit many people.

### Judicial ping-pong

What happened to José Antonio García Apac and Mauricio Estrada Zamora? No one officially knows what became these two journalists from Apatzingán, a city in Michoacán. The first, the editor of the weekly magazine *Ecos de la Cuenca*, has been missing since 20 November 2006. The second, the head of crime reporting at the local daily *La Opinión de Apatzingán*, has not been seen since the evening of 12 February 2008.

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María Dolores Barajas Arciga

“I got a phone call from my father at around 7:30 p.m. on 20 November 2006,” said Apac’s son, Aldo García Caballero, who replaced him at the head of *Ecos*. “Everything seemed to be normal, but then I heard in the receiver the voices of people ordering him to open a door. And then nothing more.” His empty car was found later. The story of Zamora’s disappearance, as recounted by his wife, María Dolores Barajas Arciga, is fairly similar. “He phoned at about 9 p.m. to say he would be home in about an hour and a half,” she said. “But by 11 p.m., nothing. The newspaper told me he had not passed by the office. The next day, his car was located in a place called ‘La Peña Colorada.’ It had been robbed and abandoned, as my brother-in-law later confirmed.”

In each case, the family turned first to the local “anti-kidnapping” department, supervised by Apatzingán’s deputy attorney, who is himself under the authority of the State Justice Attorney General’s Office (PGJE, *Procuraduría General de Justicia del Estado*), a sort of justice ministry at the state level, located in Morelia, the capital of Michoacán state. Apac’s case spent three months in Apatzingán, before being sent to Morelia. What happened to Zamora’s case depends on who you talk to. The victim’s family says it was sent to Morelia, but the PGJE says it was taken over the very next day by the FEADP, which is an offshoot of the Federal Attorney General’s Office (PGR, *Procuraduría General de la República*). This is where Apac’s case eventually ended up too, according to the family lawyer, Silvia Martínez Piña. “After eight months, the Morelia PGJE declared itself incompetent and sent the case up to the federal level.”

The families quickly realised that the legal tangle was going to lead to a dead-end. Michoacán governor Leonel Godoy, a member of the left-wing Democratic Revolution Party (PRD), admitted his embarrassment. “The time taken to investigate was sufficient in both cases,” he said. “Families, colleagues and neighbours were all questioned. Forensic examinations of the cars were carried out and prints were taken. But under Mexican law, cases gravitate towards the federal authorities. And when that happens, communication quickly fades with the relevant state authorities. The problem in both cases stems from their definition. Are they “disappearances”, in which case the state is in charge, or are they “kidnappings” linked to drug trafficking, in which case it is the federal authorities who are competent?”



© Michoacán Government  
Leonel Godoy

The problems begin with a semantic battle. In theory, clues such as a weapon’s calibre can justify transferring the case in one direction or another. But in these two cases, there was no body. And no investigation either, the families say. According to the governor, there is a shortage of resources. Michoacán has a Preventive State Police (PEP) with 2,800 members and a Ministerial Police (MP) - a force that carries out criminal investigations - with 978 members, he said. “We can assign only four MP agents to any one investigation and we have only have 25 agents specialised in kidnappings and hostage-taking for the entire state,” the governor added.





Rosa Isela Caballero and her son

“Officially, my husband’s case is a disappearance,” said Apac’s wife, Rosa Isela Caballero. “Neither the PGR nor the Fiscalía ever telephoned me.” Zamora’s wife, María Dolores Barajas - who has been ignored by *La Opinión*’s scared staff, has to censor herself and has no lawyer - did however receive a letter. “As I don’t have any work, I was told that the Regional Centre for Assisting Victims would look after me,” she said. “But then, citing a private tip-off, they told me they thought my husband had fled. Which I don’t believe.”

### Cases with parallels

So Estrada and Apac “disappeared” and Special Attorney Orellana Wiarco says he never received the cases. PGR deputy attorney for human rights Juan de Dios Castro gave this explanation: “Mexico has a federal system of government and each state keeps its sovereignty. Ninety per cent of attacks on journalists are regarded as ordinary crimes, so they are handled by the states.”



Octavio Orellana Wiarco

So who has these two cases? A federal authority that is keeping quiet? That is what the Apac family lawyer, Silvia Martínez, thinks. “All the FEADP did was send us a registration number for the Apac case,” she said. “In June 2009, the case was subjected to a procedure called ‘juridical reserve,’ the third of its kind,

which means the lack of sufficiently good clues is preventing the investigation from progressing. Coincidentally, this happened just two months after nine PGR officials were fired for suspected complicity with drug traffickers.”

The two journalists were very aware of such complicity, and it was where their paths crossed. Although the two cases were not directly linked, they have certain parallels. In early 2006, between 20 January and 5 February, Apac made several trips to Mexico City, to the headquarters of the SIEDO (*Subprocuraduría de Investigación Especializada en Delincuencia Organizada*), which is the branch of the PGR specialised in combating organised crime. “Surveillance camera recordings which the PGR has to register show that José Antonio made these trips,” a relative said. “He had lists of officials from Michoacán state and certain municipalities who are implicated in drug trafficking. This, incidentally, was the reason the investigation into his disappearance was relaunched.”

Apac’s initiative was so risky that some of his colleagues tried to dissuade him from continuing these trips. They included Zamora. Apac’s disappearance on 20 November 2006 came during the run-up to the transfer of power from President Vicente Fox to Calderón. Three weeks later the new president began his six-year term by launching his vast offensive against drug trafficking.

Zamora’s disappearance on 12 February 2008 coincided with an escalation in the offensive. The day after he went missing, the newspaper published a by-lined article by him about the detention of a gang of drug traffickers in the town of Aguililla. A member of the “anti-kidnapping” unit told the family he thought they were linked. According to another account, Zamora was involved in a dispute with an individual known as “El Diablo” (The Devil), who was in fact a police officer in the former Federal Investigation Agency, an agency given over entirely to combating drug trafficking. The reasons for this dispute never came to light and “El Diablo” was transferred out of Michoacán on 11 February 2008, the day before Zamora disappeared.



Arnaldo Rueda

### In the shadow of “The Family”

“Dar piso” (“put to the ground”) is local slang for to “kill.” It is a threat that suffices to get most journalists to censor themselves. Heads roll frequently in Michoacán, where five cartels fight over the drug transit points. “Around 3 million Michoacanos to and fro between here and the United States and 45,000 of the region’s peasants make a living from narco-agriculture,” said the correspondent of a national weekly, a Michoacán native and resident, who has himself been kidnapped twice and whose home has been the target of an armed attack. Trafficking is an extremely lucrative business for the kingpins of Juárez, the Gulf, Tijuana and Sinaloa, and above all for “The Family,” the Michoacán-based cartel which is more or less affiliated to the Gulf Cartel and which has about 5,000 full-time members.

“The Family’s speciality is kidnapping for ransom, which has increased by 50 per cent here in a year, from 2008 to 2008,” the same journalist continued. “The Family controls about 80 per cent of the state’s 113 municipalities, but it has not yet managed to get control of the strategic port zone. Hence the ruthless all-out war, made even worse by the federal offensive, in which the dead are counted by the hundreds.”

Under these circumstances, it is impossible to escape the people who are always listening and who can “dar piso” in the cruellest fashion at any time. The response to the arrest of one

of The Family’s chiefs, Arnaldo Rueda, by the army in Apatzingán at the end of July 2009 was a series of attacks on seven police stations in one night. The population, terrorised and silent, has no confidence in the security forces, whether local or federal. In fact, many of the people interviewed by Reporters Without Borders said they thought that the police, which is often suspected of being in cahoots with organised crime at all levels, had a hand in the disappearances “that leave no trace.”

It was guns of calibres used by the security forces that killed *La Noticia de Michoacán*’s owner and editor, Miguel Angel Villagómez, on 10 October 2008 near the port city of Lázaro Cárdenas, located on the border between Michoacán and the neighbouring state of Guerrero. A turf battle seems to be the reason why the case went nowhere. Villagómez’s body was found in Guerrero but the car turned up three months later on the Michoacán side of the border.

Officially assigned to the Guerrero PGJE, the investigation made no significant progress. “This case is shocking because, in reality, two PGJEs, those of Michoacán and Guerrero, are passing the buck between each other,” said Juan Alarcón Hernández, the head of the Guerrero Human Rights Commission. “The complaints were filed in Michoacán but the evidence was found in Guerrero although no one really knows where the crime was committed.”

One more example of judicial ping-pong. Investigators interviewed Villagómez’s colleagues for the first time eight months after the murder. The newspaper has accepted that it will have to keep censoring itself until the murder is maybe, one day, solved. “The day after Miguel Angel’s murder, I got a phone call naming all the stories he should not have published,” said one of the newspaper’s journalists, Francisco Rivera. “Since then, we have not mentioned organised crime.”

### Show of firmness, collateral damage

Who can you count on? No one, it seems. As the death tolls from the federal offensive and the narco in-fighting mounted this year,

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Mexico campaigned for the mid-term parliamentary and partial regional elections. Held on 5 July, they were a success for the Institutional Revolutionary Party (PRI), which ruled the country without interruption from 1929 to 2000. Politically weakened, the Calderón government is under even more pressure to do something dramatic after an election in which violent crime was an issue. Linked to major media groups including broadcasting giants *TV Azteca* and *Televisa*, the Green Party campaigned on restoration of the death penalty, winning eight seats in the Chamber of Deputies.

In Michoacán, governed by the left-wing opposition PRD, there was turmoil in the run-up to the election. Twenty state officials, including state Attorney General Miguel García Hurtado and the presidents of 11 municipal councils, were arrested two months before the poll for allegedly colluding with drug traffickers. The arrests took place although they were reportedly about to have freely testified before the SIEDO. Regardless of the actual grounds, this spectacular operation, dubbed the “Michoacanazo,” was a show of political firmness mixed with political revanchism in which the local press had to deal with many of the initial problems. To the detriment of the rule of law and pluralism.



Rosa Cruz Rosas

On 29 January 2009, about 100 federal agents and soldiers led by officials from the communications and transport ministry descended on Ocumicho, a small Purepecha indigenous community in Michoacán, raided a tiny com-

munity radio station called *Uekakua* (“The Favourite” in the local indigenous language), and seized its equipment on the grounds that it was broadcasting without a permit. The station had been trying to legalise its status since 2002 and its transmitter was just a 5-watt one, but that did not matter. Article 2 of the Mexican constitution, requiring the government to promote indigenous and minority cultures, and the Inter-American Convention on Human Rights did not matter either.

*Uekakua* presenter and manager Rosa Cruz Rosas, an indigenous woman who speaks little Spanish, was threatened and intimidated, as were other members of the community. “The soldiers even requisitioned a youth to guard the equipment, and punished him if his attention wandered,” Cruz said. She was summoned on 15 May by five federal officials to “recover the equipment.” But in fact, it was a trap they had set so that they could charge her with violating the federal property law, according to Cruz’s interpreter, José Valencia Oseguera, who is the regional delegate of the World Association of Community Radio Broadcasters (AMARC).

Cruz responded to the court summons on 23 June, but used her right to remain silent and make no statement. The station’s equipment is still confiscated and the community is more than ever in the government’s sights. Secretary of interior Gómez-Mont insisted on “the need to restore federal authority in the face of illegality” while accepting that community radio stations and redressing imbalances in broadcasting would be part of the “challenges of the next period of government.”

The representative of *Radio Uandárho*, another indigenous radio station in the area, one with a permit, said there was a public relations aspect to the federal offensive. “We have often criticised abuses by the authorities, who think the need to combat the narcos justifies anything,” she said. “We have also criticised the readiness of certain commercial media to tolerate abuses. I said on the air that the authorities were making Rosa and her community pay. Other community radio stations in this country have been stripped of their permit in this manner. They treat us like guer-



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killers or drug traffickers.” Lawyers confirmed this. The Federal Telecommunications Commission (Cofetel), which is in charge of assigning frequencies, had not assigned a single frequency for 25 years until Vicente Fox took over as president in 2000. The process stopped again after Calderón became president.

“An amendment to the 1960 broadcasting law had to be rushed through this year so that the broadcast media status quo would not have to change,” a lawyer said. “And now the government will have to make concessions to the Green Party, which has become a formidable pressure group. As for the decriminalisation of press offences at the federal level, which was promulgated in April 2007, it has led to legislative amendments in only 10 of the 36 states. That means additional obstacles to the work of journalists, who have little security, who are recognised by authorities such as the Fiscalía only when convenient, and who, in the face of threats, cannot count on the support of the media, even the ones they work for.”

### From victim to guilty party



Journalist memorial, Mexico DF

How do you restore the authority of the law at a time of war, when it has been subverted and misapplied? That is the challenge for a government which is itself suspected of being infiltrated by organised crime. “The response of the authorities [to the murder or disappearance of a journalist] has been and continues to be inaction in many cases,” the lawyer added. “But the situation is even worse when

they try to make it look like an act of personal revenge. Although the journalist is the victim, they denigrate him, they smear his reputation, so it will look as though he was not killed in connection with his work.”

Mexico’s press freedom organisations - the National Centre for Social Communication (Cencos), the Centre for Journalism and Public Ethics (CEPET), Article 19-Mexico, AMARC and the Manuel Buendía Foundation - are all agreed on this point. The journalist in danger sometimes ends up being turned into the guilty party.

In La Piedad, about 150 km from Morelia, the staff of *El Tiempo*, a daily created in 2006 with a print-run of 1,500 copies, is waiting for its founder and publisher to be released from prison. Detained since 9 May 2008, Jesús Lemus Barajas is charged with



Jesús Lemus Barajas

promoting the sale of drugs (“offence against public health”) and promoting membership of The Family (“organised crime”). According to Lemus’ young colleagues, who have been working for the past month in his home, the charges were trumped up because he asked politicians some embarrassing questions and criticised the authoritarianism of the government in the adjoining state of Guanajuato.

There is no evidence of any guilt in the copy of the indictment obtained by Reporters Without Borders, but there are procedural irregularities. “The two taxi drivers arrested at the same time as him, for the same reason, got a revision in April of the new detention order issued against them in January,” said *El Tiempo*’s young editor, Magdalena Pérez. “Jesús, who is in the same situation, is the only one not to have been given this right. Bear in mind that federal law excludes any appeal or ‘amparo’ on matters of substance in cases involving drug-trafficking, kidnapping or murder. And the PGR itself recognised that, during interrogation, one of the other defendants was pressured into implicating Jesús.”

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The newspaper's staff and the Lemus family have been harassed since the start of the case. "They threatened me so that I would not ask President Calderón about Jesus' case when he visited Michoacán in July 2008," said Pérez, who had referred the case the previous month to the FEADP. Lemus' wife, Martha Alicia Pérez, said: "The army carried out a heavy-handed search of our home as a reprisal."

Lemus is being held in Puente Grande federal prison in the state of Jalisco. His family thinks his continuing detention is one more "sales argument" for the offensive against drug trafficking. "Releasing him would be an admission of weakness," the young editor said. The Chamber of Deputies Special Commission for the Protection of Journalists never kept the promise it made in June 2008 to visit him in prison, she added.

Fate seems to be stacked against Lemus. His defence lawyers, Gilberto Estrada, Vladimir Camacho and Rubén Emmanuel Castro, were gunned down on a Guanajuato road on the evening of 31 August. A large-calibre firearm was used in the triple murder. La Piedad will have to keep waiting. As it has been waiting since 10 March 2006 to know who killed freelance journalist Jaime Arturo Olvera.

"We are in the process of breaking the spiral of violence prevailing in Mexico," secretary of interior Gómez Mont said, referring to the two-year-old offensive with a toll now standing at 14,000 dead. "This is the price that has to be paid so that the violence is not even more serious," the number two in the federal government added, fully accepting the parallel with Colombia's current handling of its civil war.

### Getting results

Not every case goes unpunished. But the rare exceptions usually fail to satisfy the victim's family and are often the result of unsupervised and summary investigative methods. The investigation into *Televisa* correspondent Amado Ramírez's murder in Acapulco, Guerrero's largest city, on 6 April 2007 is an example. "No one seriously thinks that justice



Amado Ramírez

was done, although Genaro Vásquez Durán was sentenced to 38 years in prison for his murder on 24 March," said Hipólito Lugo Cortés of the Guerrero Human Rights Commission.

José Antonio Sánchez, a reporter for the daily *El Informador* and the weekly *La Palabra*, is also still angry about the case. A veteran journalism activist, it was Sánchez's idea to create "United Reporters of Guerrero," a grouping of 16 crime reporters. "The fact that Amado was *Televisa*'s correspondent made 'outright' impunity impossible," he said. "The state governor received a delegation of journalists the month after his murder." After that meeting, the only one, the proceedings seemed to accelerate.

Sánchez is convinced Vásquez was framed. "Amado was aware of connections between certain members of the Guerrero Ministerial Police and the Pacific Cartel," he said. "Four senior officers were arrested and charged at the federal level. One of them, Rafael Silvino Orbe, killed himself last June. We had reported this collusion shortly before Amado's murder. The fact that he worked for such an important TV station as *Televisa* made his murder more embarrassing. So they fabricated a murderer." And how. Sánchez and Roberto Ramírez Bravo, the correspondent of the national daily *La Jornada*, quickly got wind of the methods used by the PGJE to frame Vásquez. "They used his girlfriend to pressure him, then they tortured him into making a confession."

The Guerrero Human Rights Commission requested an administrative investigation into the alleged frame-up but no action was taken. The outcry about this case within a case nonetheless forced the National Human Rights Commission (CNDH) to intervene.

Empowered at the federal level to make recommendations but not investigate directly itself, the CNDH voiced concern about the investigations into three recent murders of journalists in which convenient scapegoats appeared to have been found. As well as the





Brad Will

case of *Televisa's* Acapulco correspondent, the CNDH cited that of US cameraman Brad Will of the *Indymedia* agency, who was murdered on 27 October 2006 in Oaxaca, and Eliseo

Barrón of the daily *Milenio Torreón*, who was killed on 25 May 2009 in the state of Coahuila.

The CNDH could have cited at least one other case, that of Jean Paul Ibarra, a photographer with the *El Correo* daily newspaper, who was shot dead at the wheel of his motorcycle on 13 February 2009 near Iguala, in the state of Guerrero. Ibarra's passenger, 22-year-old fellow journalist Yenny Marchán, who survived the gunshot wounds she received, dismisses the findings of the police investigation. Abandoned by the staff of her daily newspaper, *Diario 21*, Marchán nowadays lives with her parents, with her leg in a splint, and rarely ventures out.

"Mario Cereso Barrera was arrested two weeks later. He had allegedly sold false gold chains to Jean Paul, and Jean Paul had supposedly threatened revenge," she said. "But Cereso had been kidnapped two days before the shooting. What's more, no one can explain how we were shot so many times by a lone man on a motorcycle. Nor why the policewoman and taxi driver who apparently witnessed the shooting were never questioned."

According to Lugo of the Guerrero Human Rights Commission, this is another case in which a confession was beaten out of the suspect. "We issued a dozen recommendations concerning Ministerial Police commander Humberto Velasco Delgado," Lugo said. "We demanded his dismissal several times for flagrant human rights violations. Without success."

The one consolation is that the Guerrero Human Rights Commission launched a concrete programme for monitoring and protecting journalists in danger in 2002. The programme also exists in the states of Veracruz and Chiapas and Mexico City but Guerrero is the only state where it has supporting money

funds, which come from an agreement reached between journalists and the local government, without media companies being involved. These funds help to pay the medical expenses of Marchán, who has to get treatment in the capital every three weeks. The police protection she used to get was stopped for budgetary reasons after two months.

The National Human Rights Commission (CNDH) receives an average of 10 requests for protection from journalists every year. "The measures we can take range from providing bodyguards to urging authorities not to mention the potential victim's status as a journalist," said Mauricio Farah Gebara, the head of the CNDH's Fifth Section (*Quinta Visitaduría*), which monitors immigrants and people in situations of slavery, as well as journalists.

"As the danger often comes from the authorities themselves, all we can do is exploit our prerogatives, using public opinion to try to influence their behaviour," Farah added. Meanwhile, the complaints filed with the CNDH are mounting. The Fifth Section used to get an average of 24 a year in the 1990s. That had doubled by the start of this decade, while the figure for the first half of 2009 alone is 80.



Felipe Calderón

Mexico City Human Rights Commission president Emilio Alvarez Icaza Longoria, a former head of the NGO Cencos, gets requests from other states as well the capital. "The situation has become unmanageable as a result of the offensive against drug trafficking and, for the past two years, the human rights commissions

of the states and the CNDH have been trying to get an appointment with Felipe Calderón,” Alvarez said. “The only response is to refer us to the secretary of interior because it seems that press freedom is not part of the president’s agenda,” he added with evident irritation.

Secretary of interior Gómez-Mont disputed this, pointing to the fact that he had taken the initiative of creating a committee for protecting journalists against risks, although it has yet to be defined. Of course, “the federal government does not really handle this kind of matter,” he went on to admit to Reporters Without Borders, implicitly recognising that the Fiscalía has achieved little in three years except unite everyone in criticism of it, even at a high level.

### Paper tigers



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Armando Rodríguez

None of the people, agencies or NGOs that Reporters Without Borders spoke to had a good word to say about the FEADP and its handling of cases of murders of journalists.

“Useless” or “good only for deciding to take no action” or, worse still, “automatically rules out any link to the victim’s work as a journalist” were some of the comments. Some called repeatedly for special attorney Orellana Wiarco’s dismissal as its head and one parliamentarian called the Fiscalía an “idiotic fraud.” Reporters Without Borders does not want to join in this polemic but it agrees with the Fiscalía’s detractors that it has served no purpose in a situation that is increasingly alarming for the safety of journalists and press freedom in general.

Orellana Wiarco claimed in July that the FEADP had handled 298 cases. But a report in the daily *El Universal* on 12 February 2009 said the Fiscalía had used its power to take on only 88 of the 274 cases brought to its attention between February 2006 (the date of its creation) and November 2008, and had initiated criminal proceedings in only three of these. The same article said its investigative

resources were derisory, putting them at around 10 federal agents and six employees of the Federal Attorney General’s Office (PGR) in the capital, plus one in each state. Its legal powers are also quite limited. According to its statutes, the Fiscalía’s authority over a case ceases as soon as it is established that organised crime is involved, at which point the case is transferred to the SIEDO.

For reasons of form rather than substance, other cases are often referred to the branch of the PGR known as “Control Regional,” which has the power to determine how they should be assigned.

The investigation into the murder of Armando Rodríguez Carreón of *El Diario*, who was killed on 13 November 2008 in Ciudad Juárez, has been to-ing and fro-ing between the Chihuahua state attorney-general’s office and the federal attorney-general’s office. While the former says “the identity of those responsible is clear” and the latter says the investigation has made no progress, neither has done anything concrete and, 11 months after Carreón’s murder, no arrests have been made. At the same time, two federal judicial investigators involved in the case have been murdered, one in July and one in August.

“There has never been so much administrative congestion at the federal level,” complained an official at the Mexico City Human Rights Commission. “The bureaucratic red-tape is sabotaging everything. It is what led the former special attorney, David Vega Vera, a competent and determined person, to throw in the towel in March 2007.” At the CNDH, the head of the programme for monitoring cases of attacks on journalists and human rights activists (*Programa de agravios a periodistas y defensores civiles de derechos humanos*), Aarón Jiménez Paz, is equally scathing. “The government promised to make attacks on the press a federal crime? We are still waiting, and this delay reflects a lack of political will.”

Jiménez added: “There is worse. At the start of the year, the PGR promoted a partial revision of the criminal code that makes it more likely that information about cases will remain scattered around the various agencies. This

makes it even harder for us to intervene. Finally, after all the talk about a revision of the organic law regulating how the PGR functions, no concrete action was taken.” Mexico’s press freedom organisations were also pressing for this revision.

A new risk has emerged since the mid-term elections. Emilio Alvarez Icaza Longoria, whose term as head of the Mexico City Human Rights Commission ends on 30 September, said: “As a result of the latest congressional elections, all of the major legislative projects for which we had been consulted could now be scrapped: making attacks on the press a federal crime, reform of article 72 of the constitution on judicial procedures including freedom of expression and the overhaul of the PGR. We will have start again from zero.”

The multi-party Special Commission for the Protection of Journalists, until now headed by the PAN deputy Gerardo Priego Tapia, may also not be renewed by the new legislature, which began on 1 September. As for the Fiscalía, “it may be useful, but only if changed, subject to different rules and, above all, with a different Special Attorney,” one of the human rights commissioners said wryly.

In the meantime, the PGR will soon have a new attorney general and perhaps a new organisation chart. Eduardo Medina Mora Icaza’s resignation as federal Attorney General was announced on 8 September. Arturo Chávez Chávez is said to succeed him. Chávez was Attorney General of the state of Chihuahua, which has had no less than a quarter of the violent deaths stemming from the federal offensive against drug trafficking and organised crime. That is undoubtedly a sign of firmness, but not necessarily a guarantee for the safety of journalists and efforts to combat impunity.

### **Recommendations**

Taking account of the information it received and the views it heard during its latest visit to Mexico, Reporters Without Borders would like to make the following recommendations:

- Implementation of the promise to investigate and try press freedom violations at the federal level must be accompanied by an overhaul of the PGR and its mechanisms for combating impunity, above all the FEADP, which must be given greater investigative resources and legal powers.

- It also imperative that there should be regular, established parliamentary oversight of the FEADP, rather than an occasional supervision. In general, the National Human Rights Commission (CNDH), press freedom organisations and, in particular, the human rights commission of the states concerned by individual cases should participate in this oversight. The proceedings of the oversight sessions should be released and should get publicity, nationally and internationally, and should be systematically sent to the Inter-American Commission for Human Rights (IACHR).

- The programme for the protection of journalists and the support fund for journalists in difficulty, in effect in certain states, should be generalised at the federal level and reinforced where it already exists. Such a programme should also involve the representatives of civil society organisations, including their representatives at the state level and journalists.

- The protection of journalists or their families should be extended to their lawyers and those who defend them. Any attack on the latter should - if the evidence suggests it is linked - be handled as part of the investigation into the attacks on their journalist or media clients.

- The government must comply with its obligations under the constitution and Inter-American conventions regarding media diversity and the promotion of community media. To this end, a general audit of frequencies, involving civil society organisations and human rights commissions, should be carried out before any new legislation.

Reporters Without Borders is fully aware of the considerable challenge posed by the fight against drug trafficking and organised crime but it does not believe this challenge can be met unless the Mexican authorities exercise strict control over the personnel assigned to this task. There has not so far been sufficient political will to do this.



# Mexico

## Behind the scenes of impunity

Security offensive and bureaucratic red-tape

In the fight against organised crime, a lot is at stake geopolitically for two countries bound by common interests - Mexico, the source of 80 per cent of the drugs arriving in the United States, and the United States, the source of 80 per cent of the firearms circulating in Mexico. The US taxpayer has already contributed a great deal to the fight against drug trafficking without seeing any return.

The violence undermining Mexico is also a threat to its powerful neighbour's security. No matter how politically difficult to achieve, the imposition of arms control by the federal government in Washington is an indispensable reciprocal measure without which the war against the cartels in Mexico and elsewhere is unwinnable. Without it, there will be no end to the Mexican tragedy.

Reporters Without Borders :

- Urges the American government to raise the issue of US Filmmaker Brad Will's sho-

ting when meeting Mexican officials and ask for a proper investigation.

- Urges the State and Foreign Operations Subcommittee in the US Senate to ratify the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, known as CIFTA, in order to contain arms trafficking to the drug cartels.

- Urges the US State Department to add more than 3 drug cartels to the list of the most important foreign drug trafficking organizations.

- Urges the US State Department to withhold the Merida Initiative fund, a multi-year regional aid package to help address the increasing violence and corruption of heavily armed drug cartels, as long as Mexico does not comply with the human rights requirements this fund is asking for.