

Attacks on the Press in 2008: Mexico

Powerful drug cartels and escalating violence made journalists in Mexico more vulnerable to attack than ever before. The dangerous climate was compounded by a pervasive culture of impunity. Most crimes against the press remained unsolved as Mexican law enforcement agencies, awash in corruption, did not aggressively investigate attacks. With no guarantee of safety, reporters increasingly turned to self-censorship to protect themselves. CPJ research showed that 24 journalists had been killed since 2000, at least eight in direct reprisal for their work. In addition, seven journalists had disappeared since 2005.

Violence related to organized criminal groups and their drug smuggling businesses increased markedly in the past three years, despite a decision by President Felipe Calderón to deploy more than 25,000 troops and federal police to fight crime. Mexican drug cartels, including the Gulf and Sinaloa cartels and numerous splinter groups, eclipsed Colombia's gangs and claimed significant control over key U.S.-bound smuggling routes. While their fight was most visible in Mexico's northern states, such as Sinaloa, Sonora, Baja California, and Chihuahua, their wrath was also felt in central states like Michoacán, and southern coastal states like Veracruz, Oaxaca, Guerrero, and Tabasco, all home to smuggling corridors. As turf battles persisted, violence became increasingly gruesome, with beheadings and mutilations. More than 5,000 people had been slain in drug-related murders by December, double the number reported in 2007, according to government figures. In an act shocking to even those inured to violence, alleged cartel hit men killed eight people by throwing grenades into a crowded square in the western city of Morelia on September 15, Mexico's Independence Day.

In April, two community radio hosts, Teresa Bautista Merino, 24, and Felicitas Martínez Sánchez, 20, were killed when gunmen shot at their vehicle in Oaxaca, according to press accounts. The women, also activists who spoke out for indigenous rights and political autonomy, worked as hosts and reporters for a new station called "The Voice That Breaks the Silence." They were killed as they returned from a neighboring town where they were publicizing the station's launch. CPJ was investigating whether the attack was directly related to their journalism.

In September, unidentified men in a van gunned down Alejandro Zenón Fonseca Estrada, a radio host in Villahermosa, capital of the southeastern state of Tabasco, as he hung anticrime posters on a major street, the Mexican press reported. Earlier that month, Fonseca announced on the air a plan to put up the posters as part of an antiviolence campaign.

And in November, an assailant shot reporter Armando Rodríguez at least eight times as he sat in a car parked in his driveway in the border city of Ciudad Juárez, according to news reports and CPJ interviews. His young daughter, Ximena, was in the car at the time of the fatal attack. She was not injured. Rodríguez was a veteran crime reporter for the local daily *El Diario*. CPJ was looking into work-related motives in the case.

All four killings were unsolved in late year.

Increasingly, journalists faced attacks from military personnel and law enforcement officials as well. In one instance, three reporters for the newspaper *El Debate*, based in the Sinaloa state capital of Culiacán, said federal police agents physically harassed them in May as they attempted to report on a new roadside checkpoint. One photographer was forced into an agent's truck and kicked repeatedly before being set free. In August, Jorge Inzunza Bustillos, a crime reporter for the Culiacán-based daily *Sol de Sinaloa*, alleged that Mexican army personnel had beat him as he photographed a shooting.

Some journalists opted to leave the country. In June, journalist Emilio Gutiérrez Soto took his 15-year-old son and fled his home in Ascensión, in the northern state of Chihuahua. Gutiérrez, a correspondent for the Ciudad Juárez-based *El Diario del Noroeste*, had received several threats from military personnel for his articles about alleged human rights abuses. Gutiérrez sought political asylum at the U.S. border; in late year, he was being held in an immigrant detention center in El Paso, Texas, awaiting a decision by a U.S. judge. His son was released in August and allowed to remain in the United States.

Alejandro Junco de la Vega, publisher of several newspapers, including *Reforma*, moved to Austin, Texas, in September, after deciding that living in the northern city of Monterrey was no longer safe. In a letter to the governor of Nuevo León state, Junco said he had "lost faith" and needed to protect his family from violence.

The wave of violence against the news media and the failure of authorities to investigate and effectively prosecute crimes against the press prompted a high-level CPJ mission in June. The delegation of board and staff members spent three days in Mexico City, meeting with Calderón, administration officials, Congressional leaders, editors, publishers, and human rights activists.

After meeting with CPJ, Calderón pledged his commitment to federalize crimes against free expression. The delegation presented Calderón with a set of principles to safeguard expression for all citizens, including journalists, and make crimes against free expression the responsibility of federal rather than state authorities. In October, the president's office sent to Congress a bill proposing a constitutional amendment that would make a federal offense of any crime related to "violations of society's fundamental values, national security, human rights, or freedom of expression, or for which their social relevance will transcend the domain of the states."

A Congressional proposal took a different approach, calling for changes in the penal code that would make infringement of an individual's right to free expression a federal crime. Members of Congress, many of whom supported the concept of federalization, began debating competing versions of the legislation in late year. The right to free expression is enshrined in Articles 6 and 7 of the Mexican Constitution. CPJ has vigorously advocated federal legislation, saying it would give Mexicans a better legal framework for protection of free expression.

The CPJ delegation also said the office of the special prosecutor in charge of crimes against the press must be strengthened and its powers expanded. The office, created in 2006, was initially considered a step forward in terms of recognizing Mexico's deteriorating press climate. However, the office has lacked legal jurisdiction to pursue most cases and the authority to take independent action. It has proved largely ineffective, CPJ research shows.

During its visit to Mexico, CPJ released the special report "Three Killings, No Justice," which delved into the unsolved killings this decade of Francisco Ortiz Franco in Tijuana, Bradley Will in Oaxaca, and Amado Ramírez in Acapulco. The report highlighted a characteristic common to all three cases: botched work by state prosecutors, who typically lead initial homicide investigations. Shoddy work was partly explained by poorly paid and ill-equipped investigators. However, corruption was a major factor as well. Collusion between police and drug traffickers was widespread and severely undermined initial investigations.

Poor and conflicted investigative work was evident in the case of Will, a U.S. independent journalist who was shot dead in October 2006 while filming a street battle between antigovernment demonstrators and armed civilians in Oaxaca. The state attorney general's office pinned the murder on the protesters surrounding Will—and not on the suspected government agents who were photographed shooting into the crowd. The conclusion contradicted witness testimony and forensic evidence indicating the shots had been fired at a distance, CPJ found. The armed men were believed to have been paid by the governor of Oaxaca to confront the demonstrators as social unrest came to a boil that fall. The governor also appointed the attorney general who led the state investigation into the killing.

In September, Mexico's National Human Rights Commission, an independent government agency, concluded that the state's investigation was negligent, lacked transparency, and disregarded evidence pointing to the suspected government agents as the killers.

But a separate, federal inquiry produced even greater concerns when, in October, prosecutors brought charges against three antigovernment protesters. An Oaxacan judge ruled that Juan Manuel Martínez Moreno, a protester who had been standing in the crowd near Will, should stand trial on homicide charges. Two others were to face trial on conspiracy charges. Federal prosecutors did not immediately present any clear forensic evidence, witness statements, or motive tying Martínez and the others to the killing. The lack of new evidence—combined with an apparent disregard for ballistic, photographic, and medical evidence implicating pro-government gunmen—threatened to undermine the government's investigation, CPJ wrote in an October letter to Attorney General Eduardo Medina Mora.

The failure to successfully prosecute the killings of journalists led to Mexico's being ranked 10th on CPJ's Impunity Index, alongside such war-ravaged countries as Iraq, Somalia, and Sierra Leone. The index, compiled for the first time in 2008, calculated the number of unsolved murders of journalists as a percentage of the population in each country. CPJ examined every nation in the world for the years 1998 through 2007. The higher a nation's ranking, the greater the threat to the press.

In an encouraging step, four men were convicted and sentenced to 11 years apiece in April for the November 2004 murder of Mexican photographer Gregorio Rodríguez Hernández. Judge Daniel Armenta Rentería convicted former Escuinapa Police Chief Abel Enríquez Zavala on charges that he had acted as an intermediary between the mastermind and the perpetrators, court secretary Juan Carlos López told CPJ. Pedro Salas Franco, Francisco Pineda Sarmiento, and Elías Álvarez González were convicted of carrying out the crime. Investigators did not identify the person who masterminded the killing. Rodríguez was gunned down in front of his family in a cafeteria in the town of Escuinapa in Sinaloa on November 28, 2004. The 35-year-old photographer worked for the Mazatlán edition of the newspaper El Debate.

The seven reporters missing since 2005 reflect a tally nearly unprecedented worldwide in 27 years of documentation by CPJ. In a September special report, “The Disappeared,” CPJ found that the spike in disappearances may reflect the involvement of local government officials. In at least five of the cases, reporters had investigated local government corruption and organized crime just before they went missing. All of the reporters worked in states such as Guerrero, Michoacán, and Nuevo León, home to key drug trafficking corridors. In several cases, the missing reporters had received threats shortly before vanishing. To date, investigations into the disappearances have produced no tangible results.