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Oaxaca Governor Accused of Fabricating Assassination Attempt

by LADB Staff
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In the latest in a string of bizarre political developments in Mexico, Oaxaca Gov. Jose Murat has been accused of fabricating his own assassination attempt and presenting false charges to federal investigators. The alleged attempt on Murat's life occurred March 18 as the governor was heading to a breakfast meeting at the Hotel Victoria in the capital city of Oaxaca. According to the account given by Murat to local and state investigators, he was ambushed by between six and eight men who fired on his vehicle with AK-47 assault rifles.

The governor, a member of the former governing Partido Revolucionario Institucional (PRI), suffered only a superficial wound during the attack. Murat's critics immediately dismissed the incident as a hoax by the governor to win public sympathy for the PRI ahead of the Aug. 1 gubernatorial election. Recent public-opinion polls showed PRI candidate Ulises Ruiz Ortiz running almost even with Gabino Cue Monteagudo, a candidate backed by a coalition that includes his Partido Convergencia por la Democracia (PCD), the conservative Partido Accion Nacional (PAN), and the center-left Partido de la Revolucion Democratica (PRD).

Cue Monteagudo, who was elected in 2001, is one of a handful of members of small parties who have governed a major city (see SourceMex, 2001-10-17). Murat's allegations, along with the charge that the incident was fabricated, prompted the federal Procuraduria General de la Republica (PGR) to intervene in the case in late March. In a report issued in early June, the PGR said its investigation seems to corroborate charges that there was no assassination attempt on the governor.

Several contradictions existed between the testimony of Murat and his bodyguards and the physical evidence at the scene of the shooting, said deputy attorney general Gilberto Higuera Bernal. The PGR relied on a study by ballistics experts from the Instituto Politecnico Nacional (IPN), which concluded that at least three of the bullet holes in Murat's vehicle were fired from inside rather than from outside. "There is not one fact that suggests the vehicle was the target of an attack as was reported initially," said Higuera. Murat is immune from prosecution because he is an elected official. However, the PGR filed charges against Murat's bodyguards for giving false testimony.

Governor disputes findings

Murat responded to the PGR's finding by presenting a formal request to Congress to open procedures to remove Attorney General Rafael Macedo de la Concha for "fabricating" charges against his bodyguards. A special congressional commission is studying the request from Murat, who claims he is the victim of a plot by President Vicente Fox's administration to discredit elected leaders like himself and Mexico City Mayor Andres Manuel Lopez Obrador. "The PGR is conducting an investigation influenced by political motivations, denying us information and the right to submit evidence as well as leaking sensitive information to the media," Murat said.
The PGR is continuing to investigate whether Murat violated any federal laws. "We are not asking for Murat's immunity from prosecution to be lifted at the moment," said Higuera. "We are deepening our investigation." Some opposition leaders fear that Murat may flee the country once his immunity expires at the end of his term. That is what happened in 1999 when former Quintana Roo Gov. Mario Villanueva left Mexico a few days before his term was to expire rather than face drug-trafficking charges (see SourceMex, 1999-04-14). Villanueva was finally captured in 2001 (see SourceMex, 2001-05-03). "We ask authorities to keep Murat under surveillance," said Alberto Esteva Salinas, the PCD leader in Oaxaca.

Murat has received mixed reactions from members of his party, gaining a vote of confidence from PRI president Roberto Madrazo Pintado but receiving only lukewarm support from fellow governors and from party legislators. Many PRI governors attending a meeting of the governors association (Confederacion Nacional de Gobernadores, CONAGO) in early June said they did not know enough about the case to pass judgment. "I cannot express my solidarity [with Murat] in a case that I know little about," said Chihuahua Gov. Patricio Martinez. "I do offer my solidarity with our legal system."

Others offered similar comments. "He has our moral support because we are colleagues and friends," said Gov. Rene Juarez Cisneros of Guerrero state. "But institutionally, we must support the letter of the law." This is not the first time that Murat and fellow PRI governors have not been on the same page. Unlike the party's federal legislators, a large number of PRI governors support Fox's proposals to open up the country's electrical-power system to some private investment. Murat has tended to side with the Congress (see SourceMex, 2003-10-08).

Deputy Emilio Chuayffet, who coordinates the PRI delegation in the lower house, distanced himself from Murat. "I throw my support behind the rule of law and not behind the politicization of justice," the PRI leader said when asked about Murat.

The Oaxaca governor said he was not concerned about the lack of support from fellow PRI members. "I am the one who is most interested in using the legal process to uncover the truth about the incident," said Murat.

Controversy follows Murat
Murat's six-year term in office has been marked with controversy, including a yet-to-be-proven charge that a Oaxaca-based enterprise with close connections to the governor has been involved in laundering drug profits. The Mexico City daily newspaper Unomasuno said the company, Grupo Corporativo Gurrion, has long held a monopoly on construction projects in the state. "It is suspected that the company amassed a fortune of US$1 billion over five years, which may have come from the drug trade," said the newspaper.

The Murat administration is also accused of diverting funds allocated under the Ramo 33 program, which provides special assistance to state governments. The governor fueled suspicions that he was manipulating the books by refusing to allow the congressional auditing agency (Auditoria Superior de la Federacion, ASF) to review his administration's expenditures under the program. This prompted Congress to threaten to bring the matter before Mexico's highest court (Suprema
Corte de Justicia de la Nacion, SCJN). PRI Deputy Jose Angel Ibanez Montes, who heads the audits committee (Comision de la Auditoria Superior de la Federacion), raised concerns that Murat's attitude could affect the party's reputation. "Everyone can now say that his government lacks transparency and is corrupt," said Ibanez Montes.

Another charge levied against Murat is that he has protected paramilitary groups sympathetic to the PRI, a situation that may have contributed to conflicts that led to the massacre of 27 campesinos in a remote area of Oaxaca in 2002 (see SourceMex, 2002-06-12).

The Murat case is the latest in a series of strange political developments in Mexico, with members of all three major parties and some smaller parties involved in bizarre situations. The ball started rolling in March when videotapes surfaced showing Partido Verde Ecologista Mexicano (PVEM) Jorge Emilio Gonzalez and Mexico City legislative leader Rene Bejarano, a member of the PRD, soliciting bribes.

Another videotape appeared around the same time showing a member of the PRD-led Mexico City government spending lavishly at casinos in Las Vegas (see SourceMex, 2004-03-10). The cases involving the PRD officials have caused a dent in the popularity of Mexico City Mayor Lopez Obrador, who is widely expected to seek his party's nomination in the 2006 presidential election.

Lopez Obrador, who remains popular despite the scandals, may escape with little political damage from these incidents because the Bejarano case seems to be linked to former mayor Rosario Robles Berlanga. Robles, who resigned from the PRD earlier this year, was close to businessman Carlos Ahumada, who was offering the bribes to Bejarano on the videotape. In early June, PRD legislators passed a resolution calling on party president Leonel Godoy to take legal action against Robles, who is accused of diverting 168 million pesos (US$14.7 million) during her term as mayor.

**Committee agrees to consider ouster of Mexico City mayor**

Although the bribery scandal may have little effect on Lopez Obrador, another case could end his presidential aspirations. In May, the PGR sent a request to the Congress to remove Lopez Obrador from office on charges that he violated the Mexican Constitution by ignoring a court directive to halt construction on a public-works project (see SourceMex, 2004-05-26). After reviewing the request, a special congressional committee (Seccion Instructora) decided that there was enough evidence to proceed.

The decision to accept the case is just the first step in the process, which could take at least two months to resolve. The committee must now hear testimony from Lopez Obrador in his defense and then review a rebuttal from the PGR. The mayor would then have the opportunity to answer the PGR's rebuttal. After hearing from all sides, the committee will decide whether to bring the request to remove Lopez Obrador before the full Chamber of Deputies for a vote.

PGR sources said authorities are preparing to present a second case against Lopez Obrador to the Seccion Instructora. In the second case, prosecutors have accused the Mexico City mayor of ignoring an order from a labor court in October 2002 to reinstate 38 former employees of the city government and pay them compensation. The city appealed that decision and lost in a March 2003 ruling, but the
employees were not rehired. Lopez Obrador, who has pledged to fight both cases, cites the PGR's relentless prosecution of his administration as evidence that the Fox government is out to prevent him from running for his party's presidential nomination.

If Congress were to find Lopez Obrador guilty of violating the Mexican Constitution in either of those cases, he would be stripped of his immunity and become subject to prosecution. This would prevent him from running for president because Mexican law prevents any individual facing legal charges from seeking office. "What they are trying unjustly to do is strip me of my office, block me from running [for the presidency], and put me in jail," said Lopez Obrador. "But what they are most interested in is blocking me from running."

**Supreme Court delays impeachment of Morelos governor**

Political scandal has also tainted the PAN, with Morelos Gov. Sergio Estrada Cajigal continuing to fight charges of cooperating with the notorious Juarez drug-trafficking cartels. Federal authorities are still investigating the case (see SourceMex, 2004-04-21). The charges against Estrada prompted the Morelos state legislature in April to seek a political trial to remove the governor from office. Estrada, however, challenged the legality of the impeachment on the grounds that the state legislature lacked a two-thirds majority when it voted to proceed with the hearings.

The governor won a small victory in early June when SCJN Justice Sergio Aguirre Anguiano agreed to review the case and ordered the Morelos legislature to suspend its impeachment process. Justice Aguirre's decision does not preclude the legislature from continuing hearings on the Estrada case, but he cannot be removed from office while the SCJN is reviewing the case. This process could take as long as one year. The federal Chamber of Deputies has also begun to take an interest in the Estrada case, creating a subcommittee to monitor the decisions of the Morelos legislature and determine if any action is needed at the federal level.

Like Murat, Estrada has had a stormy tenure as governor, clashing with many nongovernmental organizations and the PRI and PRD for his staunch pro-business policies. Critics were especially angered at Estrada's push to allow the giant US-based retail company Costco to construct a store at the site of the historic Casino de la Selva hotel in Cuernavaca (see SourceMex, 2002-09-25). The latest allegations involving connections with drug lords has also attracted major public protests. At a rally in late April, nearly 7,000 people marched to the center of Cuernavaca to call for Estrada's resignation.

The Cuernavaca protest was mild compared to the actions of a group calling itself the Comando Jaramillista Morelense 23 de Mayo, which detonated bombs in front of four unoccupied banks in the Civac industrial zone in Jiutepec, Morelos. The community is just outside Mexico City. There were no casualties because the blasts took place on a Sunday, when the banks were closed. In a note left at one of the sites, the group lashed out at President Fox, accusing him of failing to keep campaign promises to generate millions of new jobs. The note also criticized Estrada for his alleged ties to drug traffickers. [Note: Peso-dollar conversions in this article are based on the Interbank rate in effect on June 9, reported at 11.36 pesos per US$1.00] (Sources: El Independiente, 03/22/04; The Chicago Tribune, 04/10/04; Los Angeles Times, 05/24/04; El Financiero, 05/24/04, 05/28/04; El Sol de Mexico, 03/23/04, 04/16/04, 05/25/04, 06/01-03/04; Deutsche Press Agentur, 06/03/04;
Reuters, 05/23/04, 05/24/04, 06/04/04; Agencia de noticias Proceso, 02/19/04, 04/05/04, 04/15/04, 04/19/04, 05/24/04, 06/02-04/04, 06/07/04; Associated Press, 03/18/04, 06/07/04; Notimex, 02/09/04, 03/20/04, 03/21/04, 05/23/04, 06/02-04/04, 06/07/04, 06/08/04; Spanish news service EFE, 03/21/04, 03/23/04, 04/15/04, 05/24/04, 05/27/04, 06/04/04, 06/07/04, 06/08/04; Unomasuno, 01/28/04, 02/10/04, 02/11/04, 02/13/04, 02/20/40, 03/23-26/04, 04/08/04, 04/13/04, 05/28/04, 06/01/04, 06/02/04, 06/04/04, 06/08/04, 06/09/04; El Universal, 02/10/04, 03/22/04, 03/23/04, 05/28/04, 05/31/04, 06/01/04, 06/03/04, 06/04/04, 06/08/04, 06/09/04; The Herald-Mexico City, 03/22/04, 04/22/04, 05/24/04, 05/25/04, 05/27/04, 05/28/04, 06/01-03/04, 06/08/04, 06/09/04; Milenio Diario, 03/22-24/04, 05/28/04, 06/08/04, 06/09/04; La Cronica de Hoy, 03/23/04, 03/25/04, 03/26/04, 05/28/04, 06/01-04/04, 06/07-09/04; La Jornada, 06/02/04, 06/08/04, 06/09/04

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