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High Court Appoints Judicial Commission to Investigate Lydia Cacho Case

by LADB Staff

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Mexico's highest court (Suprema Corte de Justicia de la Nacion, SCJN) has agreed to appoint two respected jurors to investigate whether Puebla Gov. Manuel Marin Torres violated a journalist's civil rights when she was arrested last year and transported 20 hours across state lines to Puebla to face charges of libel and defamation. In a 6-4 decision announced in late April, the SCJN appointed a two-person commission, comprising lower-court Judges Emma Meza Fonseca and Oscar Vazquez Marin, to study the circumstances surrounding the case and recommend to the high court whether sufficient grounds exist to try Gov. Marin on charges of violating the rights of journalist Lydia Cacho Ribeiro.

The Puebla governor, a member of the former governing Partido Revolucionario Institucional (PRI), is accused of conspiring with textile-manufacturing mogul Kamel Nacif Borge to imprison Cacho on bogus charges. Cacho's book *Los Demonios de Eden* (Demons of Eden) describes several networks of pedophiles and child pornographers and indirectly links Nacif to convicted pedophile Jean Succar Kuri, a Cancun resident who has been held in a prison in Arizona (see SourceMex, 2006-02-22). A US federal judge recently granted a request for Succar to be extradited to Mexico to face pedophilia charges.

Chief Justice Mariano Azuela opposed move Chief Justice Mariano Azuela Guitron was one of four members of the SCJN to vote against creating an investigative commission in the Cacho case. He said the facts did not demonstrate any serious violations, and the Congress or other political entities should take up the issue.

Azuela's stance angered Cacho, who runs a battered-women's shelter in Cancun. "It is very regrettable and shameful that the leader of our highest court could not recognize a clear violation of human rights despite the abundance of proof," said Cacho. In the end, the position espoused by Justice Genaro Gongora Pimentel prevailed. "In a 6-4 vote, the court decided to proceed with the investigation of what appears to be a clear violation of the individual rights of someone who is fighting for social justice," said Gongora. "She wrote a book denouncing a network of pedophiles, and even mentioned some names. This is the type of bravery that is missing in Mexico."

Still, some legal specialists were surprised that the SCJN decided to intervene because the case had no precedent-setting consequences. "What is the purpose of involving this institution in a political-criminal matter, when there are other avenues to deal with this issue?" Sergio Lopez-Ayllon, a legal expert at the Center de Investigaciones y Docencia Economica (CIDE), said in an interview with the Mexico City daily newspaper *Reforma*. Similar comments came from Jose Roldan Xopa, a legal expert at the Instituto Tecnologico Autonomo de Mexico (ITAM). "I would be reluctant to have the court take on this investigation," he said.

Mexican Congress launches own probe

In addition to the SCJN investigation, the Mexican Congress, led by the center-left Partido de la Revolucion Democratica (PRD) and the governing conservative Partido Accion Nacional (PAN), has also taken up the case. The Chamber of Deputies has taken initial steps to conduct its own investigation, which could lead to an impeachment of Marin. In late April, a special subcommittee (Subcomision de Examen Previo) concluded that there was sufficient evidence that Marin "engaged in serious violations of the Mexican Constitution and federal laws."

The special committee is made up of 14 legislators, seven members from both the domestic affairs committee (Comision de Gobernacion) and the justice and human rights committee (Comision de Justicia y Derechos Humanos). Marin has received mixed support from his party. The PRI members in the special commission voted with their PRD and PAN colleagues to support a congressional inquiry.

Similarly, Sen. Enrique Jackson Ramirez supported the SCJN's decision to investigate the circumstances surrounding the Cacho case. Three PRI members in the Puebla state legislature, including floor leader Rafael Moreno Valle, also resigned from the PRI in early March, citing concerns about Marin.

Federal Deputy Guillermo Arechiga, who represents Puebla, also left the party for similar reasons. "We cannot be accomplices of this government, which appears to be protecting pedophiles, stifles freedom of expression, and uses the state apparatus as an instrument of coercion," said Arechiga. The Puebla state legislature is also considering political action against Marin, with members of opposition parties demanding that he resign his post.

Spokespersons for the governor, however, have said Marin believes he has done nothing wrong and, therefore, will not step down. "The governor has an obligation to the 900,000 citizens who elected him," said Ricardo Velazquez, legal counsel to Marin. "He will not step down because of a petition of a few opponents." The full delegation of the PRI in the federal Chamber of Deputies has rallied behind the Puebla governor, arguing that there is little evidence to warrant impeachment. "There are not sufficient elements of proof to warrant a political trial," said a statement released by the PRI delegation in the lower house.

The PAN and the PRD have proposed summoning Marin to testify as soon as late April, but the PRI is blocking such efforts. The former governing party, concerned that the case might affect the fortunes of PRI presidential candidate Roberto Madrazo, is seeking to postpone any action on the Marin case until after the July 2 election.

Cacho files criminal complaint against Puebla governor

Mexico's antiquated libel laws paved the way for Nacif to file charges against Cacho, who is free on bail pending trial for defamation. Under those laws, truth is not an absolute defense because reporters must also prove they did not intend to damage the image of their subject. Cacho has struck back, however, filing a criminal complaint against Marin, Nacif, Puebla attorney general Blanca Laura Villeda Martinez, and Judge Rosa Cecilia Perez Gonzalez, who presided over a

hearing following her arrest. The charges presented by Cacho before the Procuraduria General de la Republica (PGR) include abuse of power, influence peddling, torture, and attempted rape. She told reporters that police tortured her psychologically during a 20-hour drive from Cancun to Puebla.

In an exchange between Marin and Nacif, which is part of audio tapes secretly recorded by the federal government, the two men allegedly discussed placing Cacho in jail and arranging to have her raped by a prison guard in Puebla. Cacho says she was tipped off about the rape attempt and was able to avoid it by being placed in a different cell.

Villeda Martinez later admitted to reporters that there was no legal justification for detaining Cacho and transporting her across the country. "In their ignorance, Gov. Mario Marin and the state attorney general put their friendship with Nacif above the rights of victims of child pornography, above my constitutional and human rights, above the public interest," Cacho said in an earlier letter to supporters.

Responding to Cacho's complaint, the PGR has begun analyzing and transcribing about 90 minutes of audio tapes involving conversations between Marin and Nacif. The transcriptions could be ready by the end of April. Once that process is completed, another analysis will be needed to confirm that the voices do belong to Marin and Nacif, said PGR spokesperson Miguel Oscar Aguilar Ruiz.

As part of the process, the PGR has summoned Marin to testify even though the governor is immune from prosecution while serving as an elected official. A spokesperson for Marin said the governor has agreed to appear before federal authorities. "The governor is prepared to testify as a witness for state attorney general Blanca Villeda Martinez, who is one of the accused," said gubernatorial spokesperson Javier Lopez Zavala. Marin later told reporters he would be willing to submit to polygraph tests to prove his innocence.

The case is also under investigation by the special office created to investigate crimes against journalists, the Fiscalía Especial para la Atención de Delitos Cometidos contra Periodistas (FEADP). The PGR created the FEADP earlier this year primarily to investigate violent attacks on journalists, mainly by members of the drug cartels (see SourceMex 2006-02-15 and 2006-04-19). The FEADP has summoned Marin to testify at the end of April, said David Vega Vera, who heads the special prosecutor's office.

In the meantime, Nacif appears to have escaped to Cuba to avoid any future prosecution even though federal authorities have yet to open an investigation against him. Shortly after learning of the SCJN decision to investigate the Cacho complaint, the textile businessman boarded a private aircraft for Havana. When a reporter from the Mexico City daily newspaper La Jornada asked him about the purpose of his trip to Cuba, he simply responded, "I am here simply to sell blue jeans in Havana." (Sources: La Cronica de Hoy, 02/27/06, 03/07/06, 03/09/06, 03/10/06, 03/15/06; Reuters, 03/13/06, 03/23/06; El Financiero, 02/27/06, 03/24/06; Copley News Service, 04/04/06; The Herald-Mexico City, 02/23/06, 02/27/06, 03/01/06, 03/14/06, 03/24/06, 04/11/06, 04/17/06; El Economista, 03/13/06, 03/29/06, 04/04/06, 04/17/06, 04/19/06, 04/20/06; Milenio Diario, 04/20/06; Agencia de noticias Proceso, 02/22/06, 02/23/06, 03/08/06, 03/13/06, 03/15/06, 03/23/06, 04/05/06, 04/20/06, 04/21/06; Reforma, 03/06/06, 03/16/06, 03/29/06, 04/17/06, 04/18/06, 04/20/06, 04/21/06,

04/25/06; Excelsior, 04/19/06, 04/20/06, 04/25/06; La Crisis, 02/23/06, 02/24/06, 03/09/06, 03/14/06,
03/24/06, 03/27/06, 03/31/06, 04/25/06, 04/26/06; El Universal, 02/23/06, 03/14-16/06, 03/24/06,
03/27-29/06, 04/05/06, 04/06/06, 04/11/06, 04/17-21/06, 04/25/06, 04/26/06; La Jornada, 02/23/06,
03/02/06, 03/13-16/06, 03/23/06, 03/27/06, 03/30/06, 03/31/06, 04/03/06, 04/05/06, 04/06/06, 04/11/06,
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